

ITEM

APPLICATION NO.

2014/0977

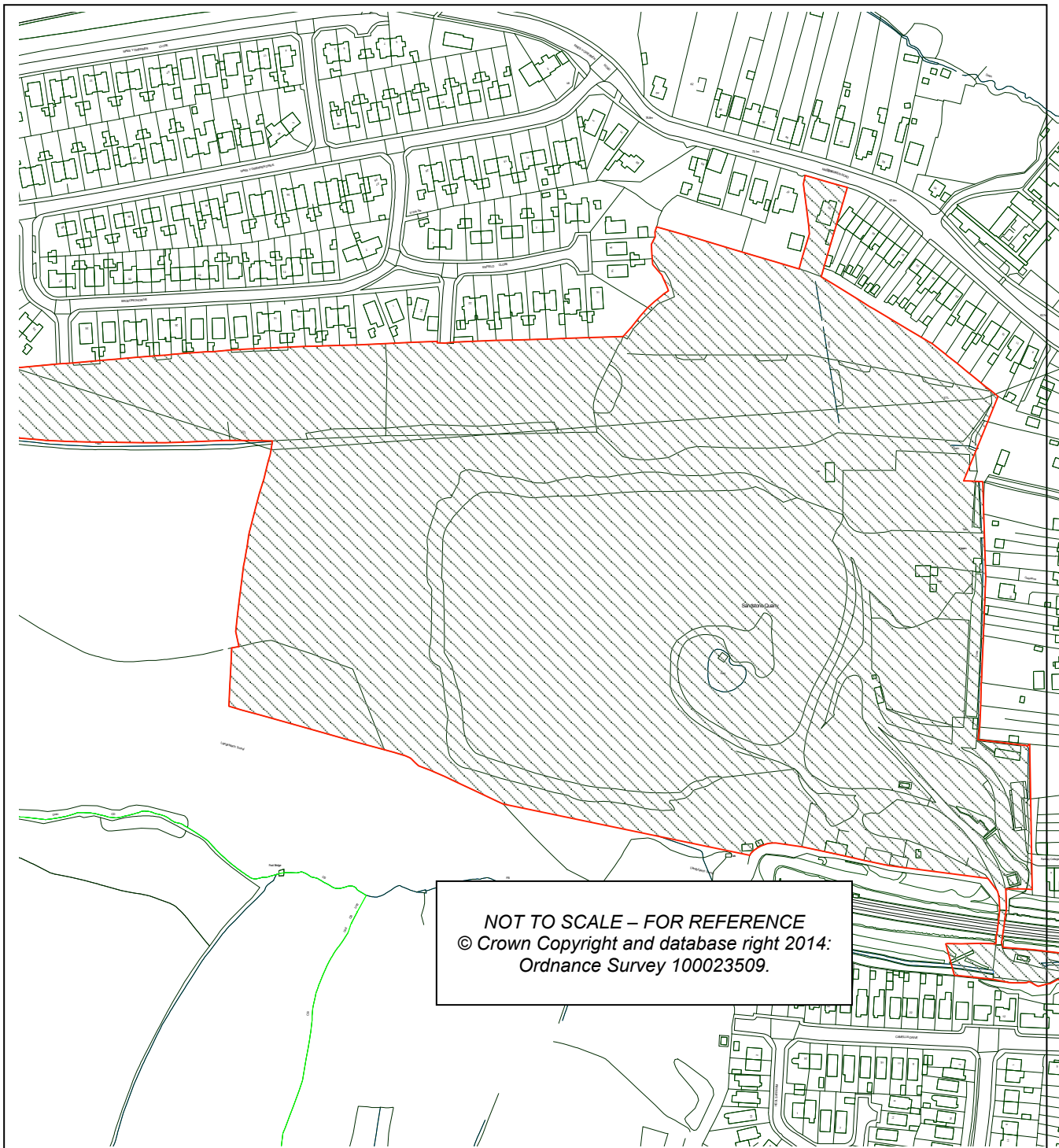
WARD:

Morrison

Location: Parc Ceirw, Cwmrhydyceirw Quarry and adjoining land, Cwmrhydyceirw, Swansea

Proposal: Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)

Applicant: Edenstone Homes Ltd and S I Green UK Ltd



BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV28	Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,

ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

- Policy EV36 New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV38 Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV39 Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC2 Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC3 Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC24 Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

- Policy AS10 Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS4 Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2014/1132	To lop 2 Birch tree covered by TPO 364 Decision: Withdrawn Decision Date: 23/04/2015
2001/1223	Erection of detached storage building Decision: Grant Permission Conditional Decision Date: 30/10/2001
2003/0394	Siting of two detached portacabins and portable toilet block Decision: Withdrawn Decision Date: 11/11/2003
2011/0498	Residential development for 58 dwellings (outline) Decision: Withdrawn Decision Date: 12/07/2011
2010/0825	Construction of site offices, mess facilities, weighbridge, wheel cleaning facility, resurfacing of car parking areas and access roads, creation of surface water attenuation pond, fuel store and acoustic fencing to a maximum height of 4m Decision: Grant Permission Conditional Decision Date: 12/01/2011
2015/2544	Variation of condition 1 of planning permission 2010/0825 granted 12th January 2011 to extend the period of time in which to start work Decision: Approve Conditional (S73) Decision Date: 17/03/2016

This application is reported to Committee as it exceeds the development threshold set out in the Council Constitution. A site visit has been requested.

RESPONSE TO CONSULTATIONS

The application was advertised in the local press, by notice and 104 neighbours were consulted. EIGHTY LETTERS OF OBJECTION have been received, ONE LETTER OF COMMENT and ONE MIXED LETTER OF COMMENT. The responses may be summarised as follows:

1. Concerns the development would increase traffic congestion in the area around the school which is already congested at the beginning and end of the school day.
2. Concerns the existing roads around the development area are not wide enough to accommodate the traffic arising from the development.
3. Concerns the construction traffic associated with the development would be detrimental to highway safety and the living conditions of existing residents.
4. Concerns regarding the loss of greenbelt and farmland.
5. Concerns the development will be sited at the quarry where unknown quantities of unknown waste have been dumped. Air quality may be affected in certain weather conditions due to the presence of methane. How will the gases be vented? Will building works disturb the waste and leech chemicals into water courses.
6. Concerns the development would have a detrimental impact to wildlife in the area and their habitat.
7. Concerns local schools and doctors surgeries are over capacity.
8. Concerns the proposals would result in a loss of privacy to existing residents.
9. Concerns no provision has been made for a children's play area.
10. Concerns the proposal includes the provision of 3 storey houses within a dense arrangement, this would not be in keeping with the character and scale of dwellings in the area.
11. Concerns that the open space should be provided as part of the planned development.
12. Concerns the development may cause land drainage problems in the local area.
13. Concerns that the sewerage system may not be able to cope with an extra 300 houses.
14. Concerns the proposed access off Maes Y Gwernen Road may cause traffic accidents.
15. Concerns emergency service routes to the hospital and surrounding houses would be adversely affected by the development.
16. Concerns the development would result in increased traffic pollution.
17. Concerns there is little demand for new housing in the area.
18. Concerns regarding the impacts of the chemical treatment of Japanese knotweed on residents, including children, and wider concerns relating to building on a site with Japanese knotweed including the availability of mortgages.
19. Concerns the proposals state the quarry development will not be started until up to 50% of the houses have been constructed, which will take 4+ years (phases 1 and 2). This should be phase 1 to make sure the quarry is dealt with and not forgotten by the developers or the developers may go bankrupt.
20. Concerns the traffic from the development will cause a noise nuisance for existing residents.
21. Concerns regarding the loss of TPO trees at the site.
22. Concerns a previous application for 100 houses on the site was rejected because it was too near the quarry – now it is proposed to build within the quarry.
23. Concerns regarding methane gas and the effects in the coming years.
24. Concerns the open space and additional public access lanes to the development may attract anti-social behaviour.
25. Concerns regarding the long term maintenance of the site including landscaping, roads and lighting.
26. Concerns regarding the loss of value to neighbouring properties as a result of the development.
27. Concerns regarding the health of children playing within the development.
28. Concerns the development would impact on the access to 42 Maes Y Gwernen Road.

29. Concerns the development would result in the loss of green space.
30. Concerns the landfill should be retained in favour of exporting waste to other authorities.
31. Concerns the provision of a lay-by for the school may put children's lives at risk
32. Concerns the development would destroy the community spirit amongst residents in the area.
33. Concerns that if the developers build out housing without remediating the quarry, then it may not be legal for houses to be built within close proximity to the quarry.
34. Concerns regarding injuries to the occupiers of the development from golf balls from the adjacent golf club.
35. Concerns that the development should provide adequate leisure/recreation facilities.
36. Concerns regarding whether additional bus services will be provided.
37. Concerns regarding the placement of the new pedestrian crossing on Maes Y Gwernen Road would add more traffic noise, congestion and access issues.
38. Concerns the grass verge outside the school should be retained for its flora and fauna, its character, and as a safe zone for parents and children to meet and talk.
39. Concerns the proposed parking area within the school would result in the loss of school playing fields.
40. Concerns the transport assessment does not reflect the traffic problems occurring and the school and don't take account of local factors.
41. Concerns regarding the impact of the new access off Maes Y Gwernen Road on the residential amenity of neighbouring occupiers.
42. Concerns planning applications have previously been refused for residential developments at No. 53 Maes Y Gwernen Road and that this application should also be refused, in view of its impacts on neighbours.
43. Concerns regarding the stability of the land at No. 57 Maes Y Gwernen Road from the formation of the access road.
44. Concerns regarding who will manage and monitor the quarry and pumping station in the future.
45. Concerns regarding what controls will be in place to prevent the developer from leaving the landfill and/or housing incomplete and possibly in a dangerous condition.
46. Concerns ground water pumping is not a satisfactory permanent solution to the drainage problems as the developer may cease to trade.
47. Concerns the development will make access to and from the rear lane of the terraced houses in Maes Y Gwernen Road very difficult and dangerous.
48. Concerns that the proposed road improvements should be undertaken prior to any houses being built.
49. Concerns the proposed development including the road layout and barriers will have an impact on customer parking for the corner shop, will impact on access to the hairdresser and will prevent daily deliveries of stock to the business.

FOLLOWING THE SUBMISSION OF AN AMENDED MASTERPLAN AND UPDATED ENVIRONMENTAL INFORMATION, A FURTHER RE-CONSULTATION EXERCISE WAS UNDERTAKEN.

The application was advertised on site and previous objectors were consulted. FOURTY LETTERS OF OBJECTION WERE RECEIVED AND TWO LETTERS OF COMMENT. The letters do not raise any additional issues over and above those summarised above.

Other Consultation Responses:

Highways Observations 26.04.16

Background

1.1 This proposal is for the redevelopment of the existing site to erect up to 300 houses under an outline planning permission (with access being considered currently). A Transport Assessment has been submitted in support of the application. The site extends to an area of approximately 35 acres

1.2 The Transport Assessment has assessed the transport and traffic implications of the development and the results indicate that the proposal is acceptable.

1.3 The roads leading to the site are mainly estate roads residential in nature although Heol Maes Eglwys is more heavily trafficked being a single carriageway road providing a link to Morrision Comprehensive, Morrision Leisure Centre and Morrision hospital. The introduction of the pedestrian crossing will be of benefit to provide a direct pedestrian link to these trip attractor sites.

2. Transport Assessment/Traffic Generation

2.1 The Transport consultants Vectos did a scoping exercise for the Transport Assessment and the following junctions were asked to be included in the document:

- Maes-y-Gwernen Road/Maes-y-Gwernen Drive;
- Maes-y-Gwernen Road/Heol Maes Eglwys /LlanllienwenRoad /
Cwmrhydyceirw Road;
- Chemical Road/Heol Dyfan;
- A48 Clasemont Road/Vicarage Road/A48 Pentrepoeth Road;
- A48 Pentrepoeth Road/Sway Road/Clase Road;
- Sway Road/Chemical Road/Clydach Road;
- Clydach Road/Llanllienwen Road/B4603;
- Heol Maes Eglwys/Morrision Comprehensive School/Rhodfa Fadog;
- M4 slips/Neath Road/Ffordd Cwm Tawe/B4603.

2.2 The proposed vehicular access points are indicated at being available at:

- Brodorion Drive (secondary)
- Enfield Close (secondary)
- Maes y Gwernen Close (primary).

The existing quarry access has not been included as an option.

Other pedestrian/cycle routes/links are shown to be available increasing the permeability of the site.

Works to facilitate access to the existing highway network will need to be completed under a section 278 Agreement with the Highway Authority.

2.3 Ultimately all the vehicles end up passing along Maes y Gwernen Road and past the primary school, hence the majority of the highway related works have been concentrated there. The other area to benefit will be at Heol Maes Eglwys where a pedestrian crossing has been agreed.

2.4 The base flows are derived from junction turning counts undertaken on 7/11/13 and the data has been growth factored to 2014 and 2019.

2.5 The TRICS data samples are appropriate for the site (54 separate sites were compared). The modal splits are derived from the TRICS data and the 2011 census for the Morriston Wards.

2.6 Traffic generation is predicted to be 48 arrivals and 127 departures in the am peak hour (175 in total) and 120 arrivals with 70 departures in the pm peak hour (190 in total). This equates to just over 3 vehicles a minute during the peak hour and does not give rise to any capacity issues. These figures are offset by the existing trip generation so it is considered that the TA document is robust. Junction testing was undertaken where the predicted impact was in excess of 5%, this resulted in ACRADY/PICADY modelling being undertaken at a number of junctions. All of the junctions remained within capacity and it was concluded that no additional infrastructure to mitigate for the traffic generated by the development was required.

2.7 The personal injury accident PIA data was obtained for the extended area for the previous 5 years. The report showed no fatal accidents, 5 serious and 88 slight. Of these only three were anywhere near the site. The PIA data does not indicate any safety issues on any of the roads or junctions within the proposed development area as the majority were caused by driver error.

2.8 The TA indicates that the roads will be designed using Manual for Streets criteria although regard will need to be made for shared use footways and accessibility to allow public transport to enter the site. It is not clear whether the roads will be adopted but notwithstanding that they will need to be designed to Highway Authority standards and specification.

3. Parking

3.1 Parking for the site will be dealt with at the stage of reserved matters and will be provided in accordance with the CCS Parking Standards. This aspect will be addressed at detail stage should consent be given. This will include the need for visitor parking.

4. Highways improvements/Section 106 agreement

Extensive negotiations have taken place with the developer/agent since the planning application was submitted in July 2014. A number of different options were put forward and the following highways improvements have been finally agreed:

1. A toucan crossing on Heol Maes Eglwys (plus maintenance)
2. A zebra crossing outside the school
3. Guard railing and signage outside the school

The site build out is anticipated to be in three phases with one third of the costs being provided at 40% build out, 65% build out and finally 90% build out.

This has been agreed and should enable the mitigation measures to be provided in a timely fashion commensurate with the housing provision.

5. Access by other modes

5.1 The estate to the north of the site is served by a bus frequency of 2 hours whereas an hourly service serves Cwmrhydyceirw Road/Chemical Road . There may be scope to service the site using the existing bus provision. Pedestrian links to the site would further enhance the accessibility of the site.

5.2 Whilst no internal highway layout has been provided it will be a requirement for at least one of the footways to be of a suitable layout to allow for shared cycle/pedestrian use, this is usually a minimum of 3m width. This is a requirement as set out in the Active Travel Act.

5.3 The site is located within 1km of NCN Route 43 which connects Swansea to Builth Wells and also links to NCN Route 4.

6. Conclusion

The analysis shows all junctions remaining within capacity for the post development scenario, and as such the TA shows the development proposal are acceptable in terms of additional traffic generated being able to be accommodated by the existing infrastructure.

6. Recommendation

6.1 I recommend no highway objection subject to the following;

i. The internal road serving the site shall be constructed in accordance with details to be submitted and agreed. Shared use footways should be included to encourage walking/cycling.

ii. Each dwelling shall be provided with suitable parking facilities in accordance with details to be submitted and agreed.

iii. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.

iv. No development shall commence until the section 106 Agreement has been agreed and signed off, subsequent payments being due in accordance with the approved phasing scheme as and when the development thresholds are met.

v. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

vi. All off-site highway works (access points) are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the

scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader (development), e-mails to, tel. no. 01792 636091

The Coal Authority 12.08.14

The Coal Authority is satisfied with the broad conclusions of the reports submitted as part of the Environmental Statement, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority **does not object** to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Housing Department 2.10.14

The Housing Market Assessment identifies a high need for affordable homes in this area.

The projected need is 2100 of which 100% could be affordable. Therefore we will be seeking the provision of 30% Affordable Housing.

We ask that the scheme would include a range of DQR compliant house types and mix of tenure, pepper potted throughout the site, to include social rent, intermediate rent and sale such as low cost home ownership (to be determined/negotiated). The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. Two & three bedroom units are the preferred property type. The units should be disposed of via an RSL.

16.10.14 Parks Department

The nearest play provision to the proposed development is in Heol Tir Du Park which is over a Kilometre away from the development, children wishing to use this facility would also have to cross main roads. I therefore propose we seek to enter into a planning obligation to secure an offer of a financial contribution from the developer for the provision of an equipped play area to LEAP standard within the development and also a commuted sum of £75,000 for its future maintenance by the Council.

Pollution Control Division 16.10.14

Clearly there are areas of concern surrounding this application not least of which is the issue of on site gas generation and its potential implications. The applicant has provided data suggesting minimal gas generation from the landfill site itself but has also suggested that some gas levels detected may be arising from a separate and distinct source. This however has not been conclusively proved.

In either case the main concern is over potential gas migration to the detriment of receptors, particularly residential receptors, brought within the existing permitted site boundary should the application be granted.

From the data presented to date it would seem that it is unlikely that the “public open space” element will present any detrimental human health impact, provided that the proposed mitigation measures are put in place, but this will need further assessment in the light of additional data still to be collected.

It is noted that further and continual ground gas monitoring is to take place as part and parcel of the requirements to be imposed by Natural Resources Wales as a consequence of the landfill operation ceasing should the outline application be granted. Both gas and leachate management systems will form a requirement of the closure agreement and will be required to continue many years after closure.

Notwithstanding the above I see no reason to oppose the granting of outline permission though it must be acknowledged that further monitoring data is to be provided and that, should a full application be forthcoming, conditions will be imposed.

Pollution Control Division 20.10.14

Recommend standard conditions in relation to: contaminated land investigation, imported aggregates, imported soils, land gas monitoring and protection measures and a construction method statement.

Pollution Control Division 25.04.16

The pollution control division have observed the discussions and reporting on this site over 30 years. We have reviewed the comments in this report and are satisfied that its technical content is correct. We have no objection to this report going forward to committee on the following basis:

The pollution control division has not been the waste regulation team since April 1996; that role passed over to the Environment Agency, which is now Natural Resources Wales.

Natural Resources Wales are not objecting to this proposal and accept that the waste permit will stay in place for enforcement purposes. They have recommended certain matters which should also be the subject of planning control. We agree with this approach especially if the more important public safety issues can be incorporated in a section 106 agreement as outlined in this report.

Given our experiences with this site over many decades, it is our view that there are no overriding difficulties with noise, dust, odour, landfill gas, or water pollution, that cannot be dealt with through planning controls or permit enforcement by NRW. This is assuming that the proposal goes ahead in the manner discussed with the present permitted company and their existing consultants. Clearly we cannot assume that things will not go wrong at some point, although if the developer and the permit holder act in compliance with all the necessary controls, the site should stay under safe control and any potential short-term nuisance should be minimal. All the potential public health risks are minimal given the length of time the waste mass has been stabilising within the quarry.

The unusual feature for this area is the absolute need for permanent pumping arrangements to keep the site water table at the bottom of the quarry. This is discussed in the report and legally binding requirements will need to stay in place for the surrounding housing to be protected. Our normal role in dealing with development on or near contaminated land and any other Environmental Health issues will be dealt with by the

team but enforcement will be through the NRW permit or the planning conditions. Other notices will be used later to deal with any construction noise issues as normal.

Natural Resources Wales (NRW) 10.12.14

We would request that determination of the application is deferred to allow for the receipt and assessment of the further information which is material to the consideration of the application.

Further Information Required prior to determination

We welcome the submission of the Environmental Statement (ES), however there are a number of outstanding issues, which need to be addressed prior to determination of the application.

1. Environmental Permit

SI Green UK hold an Environmental Permit authorising the excavation and relocation of wastes originally deposited in the former landfill area of the quarry into a new engineered landfill phase as part of the redevelopment of the site as a non-hazardous landfill.

SI Green have held preliminary discussions with Natural Resources Wales (NRW) regarding plans to now leave the historic waste in situ, cap the historic waste deposits and close the landfill site. None of the historic waste would be relocated. This change would require a variation to the site permit but to date no application to vary the permit has been received.

Groundwater

The permit holder has recently submitted a proposal to us regarding the possible restoration of the site, which includes a scheme to manage groundwater in perpetuity by pumping. Ground water at the quarry is maintained below the existing waste mass by a pumping regime operated by the permit holder. If pumping ceases and groundwater levels are allowed to recover we would expect the natural hydraulic gradient to the south / south east would be restored, possibly saturating the existing waste deposit.

The planning application suggests a land trust would take on the responsibility of the environmental permit and pumping requirements.

We have concerns regarding this approach as reliance on the Environmental Permit to maintain the ground water pumping in perpetuity cannot be guaranteed and as the EPR Regulated site is required to operate without causing an unacceptable risk to the environment, either an alternative mechanism should be sought or we require evidence that the pumping regime can be delivered and maintained.

Landfill gas management

Currently there is no active landfill gas abstraction at the site; the landfill gas management system comprises passive gas venting wells and gas monitoring boreholes. No gas migration attributed to the landfill has been detected to date, however active gas management in the future cannot be ruled out.

It is unclear if and how a rise in the groundwater level would impact on gas production and/or odour emissions. Therefore, we recommend that further information is provided in order to clarify this matter.

The ES includes potential impact of landfill gas on the surrounding environment (within Appendix 8). – The current landfill Gas Risk Assessment referenced in the planning application is based on moving the waste.

A revised Gas Management Plan (GMP) is required if the waste is to remain in situ. We would recommend that this is submitted for review and comment, prior to determination.

The proposed development site is also located within 250m of a landfill site that is potentially producing landfill gas.

Landfill gas consists of methane and carbon dioxide is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Under the conditions of the Environmental Permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring shows that there is no previous evidence of landfill gas migration from the site that could affect the proposed development. This environmental monitoring data from the site is available on our public register.

You should be aware of the potential risk to the development from landfill gas and should carry out a risk assessment to ensure that the potential risk is adequately addressed. Your Authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed.

In addition, new developments within 250m of an existing landfill (waste) facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.

As the planning application is within the EPR permit site boundary any development must not compromise the operator's ability to manage and monitor the landfill site in accordance with their permit. The operator remains responsible for maintaining, monitoring and controlling activities at the site throughout closure and aftercare until permit surrender.

Contracts should be in place with landowners that allow the operator appropriate access (If necessary the operator may use the provisions of the Environmental Permitting (England and Wales) Regulations 2010, regulation 15 (and schedule 5, part 2)). We expect to be notified before installation through an amendment to the sites operational techniques, management plans, working plan or closure report, if the development is likely to have an impact on:

- The inspection, maintenance and/or integrity of the landfill cap
- The restoration profile.
- Landfill gas management, including
 - o Monitoring fugitive emissions
 - o Gas abstraction infrastructure, including replacement
 - o In-waste gas monitoring
- Maintenance and monitoring of leachate infrastructure
- Groundwater infrastructure
- Surface water management and/or the quality of run off
- Obtaining topographic surveys
- Any monitoring to provide evidence that the waste is 'stable' for a surrender application
- Site security

Amended procedures must ensure that operators continue to comply with permit conditions (and Landfill Directive, article 13(c) requirements, where applicable).

2. Contaminated Land

As stated above the site currently benefits from an Environmental Permit for a new non-hazardous engineered landfill. The permit was granted on the basis of the former landfill being excavated and the waste placed into this new engineered landfill. We understand from the Environment Statement that the current proposal involves leaving the former landfill insitu and placing a cap over it.

Although capped the former landfill will still generate leachate which poses a risk to groundwater beneath and adjacent to the site. Section 8.8 of the Environmental Statement (*Geraint John Planning, July 2014*) references a hydrogeological risk assessment which is in the process of being prepared by MJCA in support of the planning application. This will assess effects on groundwater from the former landfill area.

We request that the risk assessment is submitted to NRW for review and comment, prior to determination.

We also note that Section 7.44 of the Planning Statement (*Geraint John Planning, July 2014*) which has been supplied with the application requests that a condition is applied to any permission granted to restrict any future landfilling at this location.

We would support this approach, the operators could also apply to NRW to vary their current Environmental Permit to limit the waste input to zero, which would also restrict future landfilling at this location.

Within the Drainage Statement (*Shear Design, February 2014*) we note that the surface water drainage scheme will utilise the existing lagoon sump on the quarry floor. The proposal is to allow the operational range of the sump to increase from its current fixed level of approximately 32mAOD up to a maximum of 37mAOD.

Allowing the water levels to rise within the lagoon may lead to a consequential rise in adjacent groundwater levels. Section 8.19 of the Environmental Statement states '*The groundwater levels recorded at the quarry generally are above the level of the base of the*

former landfill area'. This is supported by the cross sections provided in Appendix 8.2 of the Environmental Statement

Allowing groundwater levels to rise further may lead to ingress on groundwater into the landfill, generating leachate and therefore increasing the risk of pollution. The hydrogeological risk assessment, currently being produced, should assess the effects of rising groundwater levels on the waste mass and assess the risk of pollution to groundwater occurring.

3. Surface Water Disposal

We note from the submitted drainage strategy (*Ref. 13169.D100C.02.03 - dated 24th February 2014*) that two options are presented for surface water drainage at the site, both of which propose discharging into Cwmrhydyceirw Stream at Greenfield rates or lower.

We request that the applicant explores all Sustainable Drainage Systems (SuDS) for the site. If it is demonstrated that SuDS cannot be implemented, then we would wish to be provided with the evidence, prior to determination.

Ultimately the drainage system design is a matter for your Authority's engineers. However we would want to ensure that the surface water drainage system is designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

We therefore recommend that a full surface water drainage strategy be submitted to and approved by your Authority, prior to determination.

4. Foul Water Discharge

We note that foul water flows are to be discharged to the main public sewer and that as with surface water disposal, two options are suggested. **We strongly recommend that, prior to determination of this proposal, Dwr Cymru/Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution for both these options.**

We advise that your Authority must also be satisfied that the proposals for foul water disposal can be constructed, adopted and properly maintained, across the site; with particular consideration given to the proposed dwellings within Parcel D; which would require a new foul pumping station.

Further details should be provided of the measures by which the new pumping station would be maintained, prior to determination.

In addition we also recommend that a Final Report Drainage Survey is submitted, in order to ensure that there are no misconnections once the site is complete. This could be conditioned as part of any planning permission that your Authority may be minded to approve.

5. Watercourses

We note that the ES mentions diverting or culverting the stream in order to construct a number of the proposed residential properties. NRW would advise that culverting is avoided and that the stream remains open, after its diversion. This would be in line with the Water Framework objectives for this particular catchment.

We recommend that this is incorporated into any final design/layout for the scheme and if it is not then we would suggest that reasons must be provided to your Authority as to why this measure cannot be implemented.

Further comments and Matters which could be addressed by Condition

6. Ecology

The initial Extended Phase 1 Habitat survey work was undertaken during February & March 2014, which is outside the optimum period for many plant species. Nevertheless, we note from the findings that the site is comprised of an excavated quarry, enclosed by mature hedgerows and trees, with areas of scrub colonising certain areas.

Other habitats include; semi-improved grassland, marshy grassland, grazed paddocks and areas of older mature woodland. A sump pond is located at the centre of the site (within the quarry), along with other ephemeral waterbodies.

The ES identifies losses for a number of the habitat areas highlighted in the previous paragraph, as a result of the development, but proposes a series of Mitigation Measures, which are highlighted in Chapter 7 (Section 7.158) and Chapter 9 (Section 9.3) of the ES, along with the intension to deliver the more targeted Mitigation Measures through an Environmental Management Plan (EMP). **We advise that following discussion and agreement with your Authority's Planning Ecologist, the provision of the EMP and implementation of the mitigation measures should be made enforceable planning conditions, should your Authority be minded to grant permission.**

7. Protected Species (Bats)

We note that a series of three activity surveys were undertaken to ascertain the level of use of the site and that surveyors undertook two walked transect of the site (as shown in Appendix 7.3) and which also involved the use of detectors and recording equipment.

Chapter 7 of the ES states that a number of derelict quarry building are present on site, but these are regarded as being of negligible roosting potential, due to a lack of roofs, exposed interiors and their light and airy nature. Newer buildings are of a prefabricated design and were also classified as being of negligible roosting potential.

We note that only one structure was regarded as having some potential for roosting bats. This was a concrete and brick structure with large vertical fissures running down the outer wall. A dusk emergence survey was undertaken (9 June 2014), but no bats were noted.

Given that only one survey was carried out and that the use of such features by bats is often infrequent, we recommend that a further survey of this feature is undertaken, prior to the commencement of any works within the vicinity of this feature. We recommend that this is made an enforceable planning condition.

We also note that an assessment of trees at the site for their potential to support bats, considers them all to be Category 3 (no bat roosting potential).

The surveys themselves recorded a total of four species: common pipistrelle, soprano pipistrelle, Noctule and Myotis spp. The report states that the majority of activity at the site involved pipistrelle foraging and communing (mainly along boundary features, woodland corridors, hedgerows, water bodies). Other activity includes commuting/foraging by Noctules across the site, with occasional Myotis spp recorded throughout the site.

We note that the current masterplan (Figure 3.1) indicates that species poor hedgerows will be removed as part of the development, along with the breaching of existing section of older woodland/hedgerow (in the north of the site). These have been identified as being of value for foraging/commuting bat species, although the ES states that alternative foraging routes will remain available. Nevertheless, there will be a potential overall loss in foraging/connectivity.

Sections 7.177 – 7.179 identify the potential issues affecting bats as well as the general mitigation measures laid down in section 7.158. In order to provide clarity, we advise that a specific Mitigation & Management Plan for Bats is provided which could form part of the overall Construction and Environmental Management Plan (CEMP) mentioned in the ES.

We advise that the areas to be covered by planning obligations and/or conditions in relation to bats are as follows:

- The preparation of a design strategy/masterplan for the site which seeks to maximise connectivity and foraging opportunities across the site, replacing any hedgerows or corridors which may be lost wherever possible. This must include, but not exclusively, details of methods of works; timing and duration of works; action to be taken in the event any bats are found.
- The submission and implementation of a lighting scheme to ensure lighting measures do not conflict with bat use of the site, to be agreed with the LPA in consultation with NRW prior to the start of any construction works on site. The scheme shall include low level lighting (where appropriate), along with the siting of lights to ensure that flight paths/foraging/commuting corridors are not illuminated and demonstrate that disturbance to bat flight paths will be avoided). The scheme should address construction activities and the operational phase.
- The submission and implementation of a mitigation planting/landscaping plan to be submitted to, and agreed in writing with the LPA, prior to the start of works. This must include details of planting and management which will maintain flight lines and 'dark corridors' across the site, ensuring connectivity to foraging habitats.

8. Protected Species (Peregrine Falcons)

We note from the ES that a pair of Peregrine Falcons was recorded as using the part of the site as a breeding location. As mentioned in the report, this species is protected under the Wildlife and Countryside Act 1981 (as amended). As such it is illegal to intentionally take, injure or kill any wild bird, or to take, damage or destroy an active nest or its contents.

In addition, Peregrine Falcons are also listed as a Schedule 1 species and are a protected from intentional or reckless disturbance when at, or close to an active nest or when with dependent young.

It is extremely important that consideration is given to this species and to how any disturbance will be avoided and in particular the potential consequences of locating housing within the quarry. Measures to avoid disturbance need to be incorporated and demonstrated in the design and landscaping of the site, and in site clearance, construction and the operation of the site.

We are supportive of the Mitigation Measures highlighted in Chapters 7 and 9, along with the provision of an agreed Environmental Management Plan (EMP). However, in addition to avoiding any construction disturbance in the breeding season, the proposals need to ensure that any proposal does not lead to future disturbance of the breeding peregrines.

Locating any new houses, footpaths, public access areas; in the vicinity of the nest should be avoided. Any scrub / trees which provide screening between the nest site and human presence / activity on the site, should remain in situ and be supplemented with additional planting, if necessary.

We note that a significant adverse impact could not be ruled out until further detailed design (of proposals in the vicinity of the nest) is undertaken to provide a more definitive assessment and or additional measures are identified to reduce disturbance risk.

We advise that a specific strategy/mitigation plan for this species is agreed with your Authority's Planning Ecologist, prior to work commencing on site. This should be delivered via an appropriate condition, should your Authority be minded to grant planning permission.

9. Protected Species (Other)

We note from the survey results that no evidence of great crested newt, otter or badger was observed. However, the site is considered likely to support a 'good' population of Common Lizard, as a number of individuals were recorded. In addition, a number of ponds/watercourse were identified at the site with survey work confirming the presence of Palmate Newts, Common Frog and Common Toad. Smooth Newts were also been identified as being present during an earlier survey in 2010.

Therefore, appropriate mitigation measures for these species should be agreed with your Authority's Planning Ecologist, prior to work commencing on site, via enforceable planning conditions, should your Authority be minded to grant planning permission.

10. Landscape

We note the submission of the document entitled; '*Parc Ceirw, Morriston, Swansea: Landscape and Visual Assessment (Ref: 1461301/R1)*', dated May 2014 by Soltly Brewster Consulting.

The report concludes that of the four viewpoints which were assessed, only viewpoint 1 is considered to have a moderately significant effect on visual amenity, principally due to the close proximity to the site and the lack of existing screening. The overall conclusion of the assessment is that the site would be appropriate to accommodate the proposal, without leading to unacceptable change to the visual amenity with the surrounding area.

The decision will lay with your Authority as to whether you are satisfied with the viewpoints presented as part of the assessment and the conclusions of the report. **We leave to the discretion of your Authority, as to the wording of any condition to secure appropriate mitigation; should you be minded to grant planning permission.**

11. Pollution Prevention

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific construction management statement / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments.

12. Waste Management

Given the nature, location and size of the proposed development, we would recommend that a site waste management plan (SWMP) for the project is produced.

NRW 24.07.15

Our technical advice remains as stated in our previous response, we write to provide you with an update on our thinking in respect of the planning and permitting interactions.

It is our understanding that should the planning permission be granted for housing in and around the site, SI Green intend to apply for definitive closure of the landfill. However, it is also our understanding that SI Green will not apply for definitive closure of the landfill until such time as any planning permission is granted.

Due to this scenario, and as part of your consideration of this application, we wish to highlight the possibility of residential housing being constructed close to, or on, a permitted non-hazardous landfill remains. Should the landfill be developed there would be a significant risk to the amenity of the development (noise, dust and odour) and there is the potential for landfill gas generation, gas flaring and possible electrical generation activities should sufficient gas be produced.

Until the landfill site is definitively closed, Natural Resources Wales would not permit additional development or unauthorised human access within the permitted site boundary. There are areas of proposed housing and public access which would be within the current permit boundary.

If SI Green were to apply for, and be granted, definitive closure for the site, these access restrictions may be reduced subject to provision of necessary risk assessments (see previous correspondence). However, free access to all of the public open space proposed in the application cannot be guaranteed. Access restrictions to critical infrastructure, such as the ground water pumps and landfill cap, would need to be in place in order to prevent any damage or vandalism.

Following discussions with the applicant and the operator of the landfill, we acknowledge that in principle it would seem possible to manage the interaction of the regimes through the inclusion of appropriate conditions/measures in both the Environmental Permit and Planning Permission.

Our Industry Regulation Team will be able to discuss the potential wording of permit conditions with the current permit holder should planning permission be granted, but we would defer to your advice on whether appropriate protective requirements could be included in your consent if planning permission was to be issued.

Planning controls / conditions would need to secure the following objectives:

- 1) The prevention of the commencement of development within the areas of land covered by the Environmental permit until such time as the landfill was formally 'Definitively Closed' for the purposes of the Environmental Permitting Regulations.
- 2) The restriction of development/access to certain areas of the landfill site which would need to be protected/secured for necessary landfill aftercare.

3) The continued requirement for pumping of groundwater (or otherwise). Pumping is currently used to artificially lower groundwater levels in the vicinity of the quarry. Cessation of pumping would allow groundwater levels to return to its natural hydraulic gradient.

NRW 16.10.15

Since providing our original response NRW have held meetings with the operators and developers of the site. The comments made in our letter of 24 July 2015 aimed to summarise the current position and highlight that until such time the landfill is officially closed (by way of an application to NRW), landfill operations could commence at the site. Landfill closure precedes permit surrender. Surrender would only be granted in compliance with the Landfill Directive.

We have subsequently received further risk assessments (August 2015) in which the permit holder confirms, pending planning being granted, that the historic wastes could be left in situ and that an application for closure subject to further capping works would be made.

Having received this additional information, we provide the following comments, for your consideration.

Hydrogeological Risk Assessment (HRA) and Groundwater Management

Information has been provided by the applicant to supplement the current Hydrogeological Risk Assessment and demonstrate the environmental risk of leaving the historic waste in situ.

We have considered this information as part of ongoing compliance work in relation to the site's Environmental Permit (EP). The potential environmental risk from leachate discharging to groundwater beneath the historic waste deposits remains, should the suggested control mechanism of groundwater pumping cease. Currently groundwater levels are maintained at an artificially lowered level, via this pumping regime to ensure the historic waste deposit does not flood.

Whilst the Environmental Permit currently has conditions that require groundwater pumping, this cannot be relied upon in perpetuity to protect any development. Therefore, an alternative legal mechanism must be sought to ensure pumping is maintained.

We defer to your Authority on whether appropriate protective requirements could be included. Your Authority need to be satisfied that you have sufficient information and confidence in the measures that are proposed by the applicant.

We note that Section 8.8 of the Environment Statement (submitted with the planning application), references the original HRA, which intended to move the waste, within the permitted site boundary. As an updated HRA has now been submitted, which proposes to leave the waste at its current location, we suggest that your Authority may wish to ensure that Section 8.8 of the ES is updated to reflect this.

Gas Risk Assessment (GRA)

An updated Gas Risk Assessment (GRA) leaving the historic waste in situ has also been received by NRW and the further information we requested from the applicant has now been provided.

In the absence of guaranteed closure of the landfill site, the potential for further landfill development still exists. Therefore, we must highlight that (given the permitted waste types), should the landfill be developed, then landfill gas is likely to be produced.

In the event of the permanent closure of the site (and if the historic waste is left in situ), the data suggests that current landfill gas generation is low. However, there is uncertainty in relation to future gas generation should the current waste mass become flooded in the event of groundwater pump failure.

We note that additional boreholes are proposed as part of the gas risk assessment and that the enlarged monitoring data set will be used to produce an updated gas risk assessment for the Environmental Permit. Extension of the gas monitoring network to the North should also be considered.

As has been stated above, a review of the current data suggests landfill gas generation rates are low, however until it can be demonstrated otherwise, gas protection measures in the proposed houses will need to be taken into consideration. We advise that your Authority's Environmental Health and Building Control departments may wish to provide advice on this aspect of the development.

Proposed use of the restored former landfill area as public open space.

In our response of 24 July 2015, we highlighted concerns over public access to the currently permitted landfill and historic waste deposit, should the planning permission be granted for use as a public access open space. We highlighted that until the site is definitively closed, unauthorised human access within the permit boundary would be prevented (via a legally enforceable condition).

Within section 8 of the Environmental Statement supplied with the planning application, the risk of public exposure to the former landfill is discussed. We recognise that capping the landfill will reduce the exposure pathway to historic wastes.

Your Authority would need to be satisfied that you have sufficient information and confidence of the measures that would need to be taken to; restrict, protect and manage key infrastructure and monitoring points whilst the site is in aftercare (the period between definitive closure and the ultimate surrender of the permit which is likely to span many years, rather than months).

To conclude, given the complexities of this application, we advise that your Authority should consider the following matters in relation to the establishment of the principal of development and the interfaces between regulatory regimes:

The proposed development encroaches on an area permitted by Natural Resources Wales for the development of an operational landfill site. You therefore need to consider whether it is feasible / appropriate to establish the principal of development where there is the potential to create a conflict of regulatory regimes and as a result impact on the potential for deliverability of the development.

Your Authority may wish to consider whether it would be feasible / appropriate to place restrictions on phasing of the development. For instance, development being limited to areas outside the permit boundary until such a time as landfill closure is granted.

Definitive closure of the landfill would guarantee no future waste disposal operations could be undertaken at the site. For the site to enter 'definitive closure' the permit holder will

need to submit an application (and associated evidence) to Natural Resources Wales for determination. To date no application has been received. The permit would remain in force until surrender.

We are not in a position to pre-empt any formal determination process for site closure. This raises confidence and certainty considerations for your determination. If your Authority considers this an issue, a solution may be to explore with the applicant the opportunity to parallel track both planning and permit (closure or partial surrender applications), at least to the extent where a resolution to issue could be confirmed.

If the above are not feasible, then a further option would be for the applicant to secure a reduction in the area covered by the landfill permit. This would need to take the form of a formal application to NRW to partially surrender the permit. If granted the effect would be to enable consideration of an amended proposal, limiting the development to those areas surrounding the quarry which would be outside of a modified permit boundary. Once again we would be unable to pre-empt the necessary formal determination processes.

NRW 9.11.15

Further to our previous response of 16 October 2015, we note that you were seeking further clarification in relation to the proposed open space, which includes the landfill cap. Once the landfill has entered closure, then public access could be allowed, **but** the area would continue to require management which would involve the restriction of access to critical infrastructure (such as Ground Water pumps and Monitoring Bore Holes). It would also require ongoing management to ensure that the integrity of the engineered landfill cap is not compromised.

Until the operator makes an application to vary the existing permit to take the permitted area (including the historic landfill), into closure and the closure is accepted by NRW, then the current EPR permit restricts public access.

Your Authority may wish to consider whether it is feasible / appropriate for a phased approach to the number of houses, in relation to public access. Furthermore, the operator would also need to ensure that sufficient time was allocated, in order to make an application to take the site into closure, and to undertake any required works, prior to NRW being able to grant closure.

The developer/operator may have considered this, but it is important that sufficient time would need to be allowed in order to take the site into closure, if the granting of planning or phases of planning are to be dependent on closure being accepted. As previously stated, the duration of aftercare (the period between definitive closure and the ultimate surrender of the permit) is likely to span many years, rather than months.

As previously stated NRW are not in a position to pre-empt any formal determination process for site closure, or any application to reduce that area covered by the landfill permit.

Dwr Cymru Welsh Water (DCWW) 19.11.14

The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP5 (years 2010 to 2015). Any increased demand will exacerbate the situation and adversely affect our service to existing customers and potential users of this proposed

development. We consider the proposal to be PREMATURE and therefore **OBJECT** to the development.

DCWW 17.02.15

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Following Hydraulic Modelling Assessment of the proposal we withdraw our objection of the 19th November 2014.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets (including foul water and surface water to be drained separated, no surface water to connect to the public sewerage system, unless otherwise agreed, land drainage run-off shall not be discharged to the public sewerage system and the submission of scheme for the integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with.

Drainage and Coastal Management 18.11.14

We have reviewed the updated Drainage Strategy, ref 13169.D100E.02.03, dated 12th November 2014 and based on the report we are satisfied that an appropriately designed surface water drainage scheme can be achieved on site, therefore we recommend that the following conditions are appended to any permissions given (in relation to the requirement for a strategic site wide surface water drainage strategy and reserved matters application to be accompanied by a detailed surface water strategy).

Education Department 16.10.14

The catchment area for this development is Morryston, and the catchment schools are:

English Medium Primary	Cwmrhydyceirw Primary
English Medium Secondary	Morryston Comprehensive
Welsh Medium Primary	YGG Tan y Lan (Nursery to Y3; Y4 in 2015)
Welsh Medium Primary	YGG Lon Las (Y3 to Y6; Y4 to Y6 in 2015)
Welsh Medium Secondary	YGG Bryn Tawe

The development will generate, in accordance with the agreed Supplementary Planning Guidance (SPG) policy, the following pupils with the associated cost:

Based on 300 dwellings

Primary: 93 Pupils (£964,596)

Secondary: 66 Pupils (£1,045,968)

Rationale

Primary:

There is no capacity for growth in Welsh Medium.

- The surplus capacity at YGG Lon Las (which is the nearby Welsh medium primary school for Y3 to Y6) in January 2014 was 53 with the projection figures for January 2021 as being down to surplus capacity of 3. In addition, there are demountables

which should be excluded from the calculations in this instance and this would bring the situation there to an **over capacity of 201 pupils. Please see chart below.**

- The surplus capacity at YGG Tan y Lan (which is now the catchment Welsh medium primary school for Nursery to Y3, to Y4 in Sept 2015 etc. is a growing school) in January 2014 was 52 with the projection figures for January 2021 as being down to an **over capacity of 16 pupils. Please see chart below.**

There is also little surplus capacity in the English Medium primary provision at Cwmrhydyceirw Primary School which is a large school and the concern that some of the capacity is in substandard demountables. There is scope to extend on the site. In January 2014, Cwmrhydyceirw Primary had surplus capacity of 5 pupils, with a projection for January 2021 of a surplus capacity of 0 pupils. But, by omitting the current demountables on site (2 x doubles and 1 x single) for the purpose of this calculation, then the surplus capacity reduces even further to a situation of being **over capacity by 127 pupils.**

Please see chart below.

In order to accommodate any primary aged pupils from this development in this instance, Education will therefore require the full generated amount of £964,596 plus inflation as two of the named schools are already over capacity with no unfilled pupil places. The request for a developer's contribution on this basis would therefore be currently required for Cwmrhydyceirw Primary School with a % split shared with YGG Tan y Lan in the first instance.

Secondary:

Whilst the development will generate 66 secondary pupils there will be no request for a specific contribution towards the English Medium secondary provision at this present time as there is sufficient capacity within the catchment school. In January 2014, Morriston Comprehensive had an unfilled surplus capacity of 229 pupils, with a projection for January 2021 of being 262 pupils. In addition, Morriston Comp. School is currently undergoing since July 2012 a major rebuild (Phase 1), with Phase 2 now scheduled to be completed by December 2014, when there will be capacity to take increased pupil numbers.

There is no capacity for growth in Welsh Medium. However, there will also be no request made for a specific contribution towards the Welsh medium secondary provision at this time as there is sufficient capacity within the catchment school of YGG. Bryn Tawe. In January 2014 the school had a surplus capacity of 354 with the projection for January 2021 now being a surplus capacity of only 2 pupils.

N. B. Projected Unfilled Pupil Capacity (Based on January 2014 Projections)

	Jan-14	Sep-14	Sep-15	Sep-16	Sep-17	Sep-18	Sep-19	Sep-20
Cwmrhydyceirw Primary	5	5	4	5	5	4	4	0
Cwmrhydyceirw Primary with demountables removed from calculations.	-122	-122	-123	-122	-122	-123	-123	-127
Morrison Comp.	229	241	286	291	304	294	269	262

YGG Lon Las	53	28	12	4	1	15	15	3
YGG Lon Las with demountable removed from calculations.	-151	-176	-192	-200	-203	-189	-189	-201
YGG Tan y Lan	52	27	15	1	-17	-22	-24	-16
YG Bryn Tawe	354	338	311	258	203	133	72	2

One has to bear in mind that there are a number of other proposed Candidate development sites for the Morrision area which are still under consideration by Planning, (including Planning Application No 2013/1632 – Land at Heol y Fran) and the results of all these would further exacerbate the situation.

Conclusion

N. B. Should any further sites be submitted for Planning consideration for proposed development in the area then we would, of course, want to reconsider the accumulative effect on this particular application alongside any new ones received in the near future.

In summary, in order to accommodate any pupils from this development:

- The Authority would seek the full Developer's contribution of **£964,596 plus inflation for mainly Cwmrhydyceirw Primary school** enhancements to provide improved facilities at the school, and with a small % split shared with YGG Tan y Lan, in the first instance.
- Education would not be seeking the Developer's Contribution of £1,045,968 for secondary education at Morrision Comp. School and YGG Bryn Tawe at this present time.

Education Department 17.02.16

Revised contribution request, in light of viability issues at the site, of no less than £750,000 to build a 3 class extension.

South Wales Police Design Out Crime Officer 15.04.16

Advice has been provided on designing out crime within the development and concerns have been expressed regarding the provision of parking courts within the development.

Planning Ecologist 25.04.16

The key ecological issues are protection for the peregrine falcon, a reptile mitigation plan and a habitat management plan for the open space. There will be habitat loss as a result of the development it is at the moment a quiet undisturbed refuge and it's important that this impact is minimised. As a result of the new stronger biodiversity duty we need to ensure there is no overall ecological loss on the site.

Landscape Assistant (Arboriculturist) 25.04.16

The outline application shows several groups of internal trees to be removed. Mitigation for the loss of the category B trees should be incorporated in a landscaping scheme.

The indicative layout appears to have dwellings in close proximity to retained trees; this will require careful consideration when finalising the detailed plans by either site or unit layouts. Boundary trees in group G13 are protected by a tree preservation order and also should be considered when the detailed plans are drawn.

An arboricultural impact assessment will be required to assess the impacts of the development on trees and vice versa. The proximity of the trees to the units will require a tree protection plan and arboricultural method statement to be submitted at the reserved matters stage to demonstrate that the final layout is feasible; this will address all the impacts highlighted by the arboricultural impact assessment.

The outline application shows several groups of internal trees to be removed. Mitigation for the loss of the category B trees should be incorporated in a landscaping scheme.

The indicative layout appears to have dwellings in close proximity to retained trees; this will require careful consideration when finalising the detailed plans by either site or unit layouts. Boundary trees in group G13 are protected by a tree preservation order and also should be considered when the detailed plans are drawn.

No objection subject to conditions.

Network Rail 25.04.16

After studying the details submitted with this application, Network Rail submits a holding objection on the grounds we require details of their drainage plans to ensure our culvert isn't compromised. We also require further details of their construction method as one of our tunnels is in close proximity to where they plan to construct their dwellings.

APPRAISAL

This application seeks outline planning permission for a development of circa 300 dwelling on the site of Cwmrhydyceirw quarry and surrounding land. The proposal includes the demolition of all on site buildings including the existing dwelling at No. 53 Maes Y Gwernen Road and works to enable the quarry to be engineered and remediated to provide an area of public open space. Strategic access to the site (i.e. the proposed access points to the development) are the only matters, together with the principle of the development, that are for consideration under this application.

The site includes the quarry, an area of pasture land to the south of Brodorion Drive and Enfield Close, and a parcel of greenfield land that separates the quarry from properties on Maes Y Gwernen Road. The site is defined to the south by a railway line and the golf course. The overhead lines which cross the northern part of the site are intended to be grounded to facilitate the development.

There is considerable planning history relating to the quarry and its later uses as a concrete plant and a landfill site for non-hazardous waste. Whilst the quarry itself appears to have been in operation prior to any formal planning controls its use as a concrete plant is documented in planning applications submitted in the 1960's and 1970's. There are currently no operations on the site associated with this use. In terms of the landfilling operations, planning permission was granted in 1981 (81/0486/03) for the landfill

operation and associated restoration of the quarry. The permission refers to the importation of non-toxic solid waste from the construction industry. Planning permission was later granted at appeal in 1985 (84/0505/05) to extend the range of permitted waste materials by the addition of non-toxic wastes from other commercial and industrial sources. The inspector noted that, in his view, the quarry face was a potential danger to the general public, and particularly to children in the locality. He considered it would be in the best interests of the local inhabitants for the quarry to be filled as quickly as possible to remove the danger to life and limb. The site operated for a number of years, receiving wastes of varying types, including biodegradable municipal wastes and industrial wastes such as filter cakes and ashes. NRW believe approximately 85,000 tonnes of waste were deposited and currently remain in-situ. Whilst there are no current landfill operations taking place at the site, the site benefits from an Environmental Permit, granted in 2008, which permits 125,000m³ of waste to be deposited at the site per year, over a 6 year period. Members may recall that planning permission was also recently approved (Planning Ref: 2015/2544) to extend the time period to commence development for the construction of site offices and associated works to facilitate landfilling operations.

Planning applications for housing developments have also previously been submitted at the site. In 1989 planning permission was refused for residential development at land adjacent to Brodorion Drive (88/1378). The application was refused on the grounds that the development would be prejudicial to the aims of Draft Swansea Local Plan and that it would be premature, pending the completion of tipping operations and subsequent restoration works.

In 2011, outline planning permission was submitted and subsequently withdrawn for a residential development of 58 dwellings on land to the south of Brodorion Drive (Planning Ref: 2011/0498). There is a current application, for outline planning permission, also on land to the south of Brodorion Drive, for residential development of 24 dwellings. No action has been taken on this application, following a request for further information by the local planning authority.

Following a request from the applicant, the Council issued a Screening Opinion in 2014 advising that an Environmental Impact Assessment (EIA) would be required for the proposal. The scope of the assessment has been narrowed down to the assessment of the ecological impacts of the development and the environmental, health and safety impacts associated with developing the landfill for housing. The content of the Environmental Statement (ES) submitted with the application is discussed in more detail later within this report.

The application has also been supported with the following documents: Design and Access Statement, Transport Statement, Drainage Strategy, Tree Survey, Landscape Visual Impact Assessment and Planning Statement.

MAIN ISSUES

The main issues to consider in the determination of this application relate to the acceptability of the residential development at this site in terms of its impacts on visual and residential amenity, highway safety, ecology, trees, drainage and impacts associated with providing housing in close proximity to a landfill site, including health and safety impacts.

Planning Policy Considerations / Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

Reference to the UDP proposals maps show that the whole site, with the exception of a small parcel of land adjacent to the railway line, which is within the green wedge, is identified as white land in the urban area. UDP Policy HC2 is therefore relevant and supports housing developments within the urban area where the site has been previously developed or is not covered by conflicting plan policies, subject to the application complying with the various policy criteria. Under HC2 housing developments are supported where they do not result in:

- i. Ribbon development or contribute to the coalescence of settlements,
- ii. Cramped/Overintensive development,
- iii. Significant loss of residential amenity,
- iv. Significant adverse effect on the character and appearance of the area,
- v. The loss of important urban greenspace
- vi. Significant harm to highway safety, or
- vii. Significant adverse effects in relation to:
 - a. Landscape,
 - b. Natural heritage,
 - c. Security and personal safety,
 - d. Infrastructure capacity,
 - e. The overloading of available community facilities and services.

In line with the objectives of Planning Policy Wales 2016 (8th Edition) and TAN 12: Design (2016), UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. These policies, and national planning guidance, support the use of previously developed land over green field sites. In addition, UDP policies EV3, AS1, AS2 and AS6 require that new development provide satisfactory access and facilities for parking.

In terms of design and layout the Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide', which relates to developments of 10 or more dwellings. This document contains information on design principles that should be incorporated into new developments together with the appropriate amenity standards.

The current proposal needs to be considered in the context of the surrounding area. The site forms part of the Cwrhydyceirw to Birchgrove Railway Site of Interest for Nature Conservation (SINC) as such Policy EV28 is relevant, which refers to the sites of local importance. Moreover, UDP Policy EV30 seeks to protect and improve hedge, tree and woodland areas.

With regard to drainage from this site, the development must be considered with reference to UDP Policies EV33, EV34, EV35 and EV36 regarding sewage disposal, surface water run-off, development and flood risk.

Given the industrial/commercial history of the site, clearly consideration must be given to both land stability and land contamination matters. The development will therefore be considered under UDP Policies EV38 and EV39.

Affordable Housing provision on a site of this scale should be provided in accordance with Policy HC3 and Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance (2010) which is used to consider requests for contributions in respect of affordable housing, education provision, outdoor play space(see also HC24) and highways/transportation.

In terms of the overall principle of a housing development on the site, only part of the site lies outside of the urban area and this land forms a landscaped embankment with the railway line which is not proposed to be developed under this planning application, as such the inclusion of this land within the application site would not conflict with the Council's green wedge policy under UDP Policy EV23. The residual land within the application site is white land in the urban area. It is located close to schools, bus services and other services in Cwmrhydyceirw and is therefore considered to be a sustainable location for a housing development. In broad land use terms therefore, and setting aside any technical constraints associated with the development, the use of land for housing is considered to be acceptable in principle.

In terms of the emerging Local Development Plan, it is noted the site has been submitted as a candidate site and has been included as a housing site within the draft LDP proposals maps. Whilst little weight in favour of the proposals may be afforded to the status of the site under the emerging LDP, there is no doubt that the redevelopment of the site for housing for circa. 300 units would make a material contribution to the Council's housing land supply, which is currently below the 5 year supply required under national planning policy set out in Planning Policy Wales.

Visual Impact, Design and Layout

The application has been accompanied by a 'Landscape and Visual Appraisal' document which assesses the visual and landscape impacts of the development from representative viewpoints within the locality of the site (Brodorion Drive, Cwmrhydyceirw Road and Heol Brillau) and from a wider viewpoint (Blawd Road).

The site does not fall within any statutory or non-statutory landscape designation. There is a grade II listed park and garden (Cwmgelli Cemetery) located some 2.8km from the site and two scheduled ancient monuments, Morris Castle and Llangyfelach Cross Base, located 2.9km and 1.7km from the site respectively. Due to the distance of these features from the application site, in line with the conclusions of the landscape and visual appraisal, it is considered the development would not have a significant effect on the landscape context of these features.

Of the representative viewpoints assessed, the view from Brodorion Drive is considered to have a moderately significant effect on visual amenity. This is due to the proximity of the development from this viewpoint and the lack of screening along the northern boundary. The loss of the views to the paddock at the rear of Brodorion Drive and Enfield Close has been raised as a concern by local residents. Whilst these concerns are understandable, the change in the local landscape is inevitable if the site is to be developed for housing.

The site is located within the urban area and subject to the adherence to UDP design policies and SPG, the impact on the local landscape in this area is considered to be acceptable.

From other viewpoints, mainly the roofscape of the development would be visible from surrounding roads, although from Heol Brillau the development would be identifiable from ground level. The development would be viewed in context with the existing surrounding townscape and would be partially screened by existing vegetation as such it is considered, in line with the conclusions of the landscape and visual appraisal, that the proposed development would not have a significant landscape impact.

Turning to the design and layout of the development, the broad vision of the design is to provide residential development focused on the quarry bowl with views of the townscape and countryside beyond. The quarry bowl would be developed as an area of public open space including a LEAP with pedestrian routes around the quarry.

The development has been broken up into several development parcels (A,B, C and D) based on their characteristics and past use. The northern part of parcel A and parcel B are undeveloped greenfield sites. The paddock at the rear of Brodorion Drive and Enfield Close is generally level and is bordered by trees with the golf course to the south. Parcel B backs onto Enfield Close to the west and Maes Y Gwernen Road to the north. The levels drop gradually down from Enfield Close to Cwmrhydyceirw Road, there is a line of TPO conifer trees bisecting parcel B. The southern part of parcel A has previously been quarried, although not to the extent of the main bowl as such the land levels drop down from the western boundary with the golf course and generally slope down towards the southern boundary with the golf course. In contrast to parcels A and B, parcel C contains historic features from the cement works and the facilities for the current operations at the landfill. Parcel D is an existing shelf within the quarry bowl which has been prepared for future landfilling.

The application has been supported by an illustrative masterplan which serves to illustrate in broad terms how the site is intended to be developed. This is supplemented by a design and access statement which explains the context of the site, its constraints and the evolution of the design to its present form.

Access points to the site would be off existing highway access points on Brodorion Drive and Enfield Close. A further access is proposed off Maes y Gwernen Road facilitated by the demolition of No. 53. Three other separate pedestrian access points are indicated to be provided from Vicarage Road, Cwmrhydyceirw Road and Railway Cottages. The existing access to the development across the railway bridge would be retained as a construction access during the construction phase and thereafter would be retained as a pedestrian/cycle route to the development.

The masterplan illustrates new roadways with frontage development on both sides of the new road extending along and parallel with Brodorion Drive. The roadway from Enfield Close would link up with the Brodorion Drive roadway and head south in a loop road with development backing onto the southern and western boundaries with the golf course together with perimeter blocks that overlook the quarry basin. This pattern of urban form consisting of perimeter blocks with frontage development onto the spine road and development overlooking the quarry bowl is replicated across the site. The proposed development parcel within the quarry bowl would face towards the quarry and provide natural surveillance of the open space area.

Concerns have been raised in letters on objection that the scale of the buildings within the proposed development would not accord with the character of the local area, which is a mix of two storey dwellings and bungalows/dormer bungalows. The application has been accompanied by indicative scale parameters which set out the upper and lower limits of the buildings within the site. The master plan indicates the scale of the buildings that would be provided within the various development blocks. The majority of the proposed buildings would be no greater than two storey. The masterplan illustrates that there would be four pockets of two and a half or three storey development within the site, these would be located on prominent locations within the site and would serve to provide variety in the street scene and define important corner plots. None of these larger scale buildings would be sited around the perimeter of the site adjoining existing neighbouring dwellings. The scale of the buildings and their distribution within the site, as indicated on the illustrative masterplan is considered to be acceptable.

Concerns have been raised by the South Wales Police design out crime officer regarding the provision of parking courts within the illustrative design details. These concerns are noted and it will be necessary to address the matters raised at the reserved matters stage having regard to the overall design strategy for the development, which is to focus and orientate the development facing towards the quarry basin.

The overall design principles of the master plan are supported and have been expanded upon by more detailed sketch drawings to flesh out the development blocks indicated on the masterplan. The Council's urban design officer considers the information provided to be acceptable. There is, however, a residual concern regarding the proximity of the development in parcel A to the boundary trees, however, this matter can be addressed at the reserved matters stage. Overall it is considered that the proposed development, as indicated on the illustrative masterplan, demonstrates that the site can be developed in a manner that would not result in any significant detrimental impacts on the character and appearance of the area and would accord with the Council's design Policies EV1, EV2, HC2 and the guidance contained within the 'Residential Design Guide' SPG.

Residential Amenity

Concerns have been raised in letters of objection that the proposed development would result in the loss of privacy to existing occupiers surrounding the development. Whilst this application is outline with all matters reserved apart from access, the illustrative layout submitted demonstrates that a sensitively designed layout can be accommodated on this site without harming the residential amenity of future or existing residents. Any scheme on this site would have to meet the standards of separation between residential properties normally applied by the Council (in accordance with the adopted SPG) and meet the requirements for amenity space and car parking requirements.

The development would be sited in close proximity to the existing bungalows and dormer bungalows on Brodorion Drive and Enfield Close. A more detailed sketch plan has been provided for this area which illustrates that the development could be accommodated within this part of the site without resulting in any significant overlooking, overshadowing or overbearing impacts upon the occupiers of existing properties. Elsewhere around the perimeter of the site the masterplan indicated that satisfactory separation distances, in accordance with the SPG, can be achieved to existing properties on Maes Y Gwernen Road and Cwmrhydyceirw Road.

The provision of a new access road off Maes Y Gwernen Road would have the potential to result in increased noise and disturbance to the occupiers of the properties either side at

No. 57, which is at a higher level, and No. 51, which is at a lower level, than the existing dwelling. The existing dwelling has a wide frontage of some 26m and then splays inwards on the western boundary reducing to some 13 metres at the rear of the site. The side elevation of No. 57 would be sited some 9 metres from the new access road whereas the dwelling at No. 51 would be sited some 5 metres away. These distances with mitigation measures in the form of landscaping and robust boundary treatments with these properties, would ensure that there would, on balance, be no significant impacts to the occupiers of these properties from noise or disturbance from traffic movements. There are existing high boundary treatments along the common boundaries with both No. 51 and No. 57 at the rear of these properties. The provision of any new high boundary treatment at the rear of these properties would not therefore result in any significant overbearing or overshadowing impact to the occupiers of these dwellings. Where the site narrows at the rear of No. 53 both dwellings either side of the access road have outbuildings at the rear of their gardens as such these areas are not used as outdoor amenity space. In light of this and subject to the provision of a suitable robust boundary treatment along the garden boundaries within these properties, it is not considered, on balance, that the provision of the access road would result in any significant noise or disturbance to the occupiers of neighbouring properties when in their rear gardens.

The vehicular access points off Brodorion Drive and Enfield Close would be sited in close proximity to existing dwellings sited either side of the existing highway. The proposed development would result in regular vehicular movements along these access roads. Noise from traffic using these access points may be audible from the grounds of these properties, however, given the low vehicle speeds within the estate and that the development incorporates three access points, which would spread traffic across these access points, it is not considered the noise from traffic movements associated with the development would be so significant as to cause a harmful impact upon the living conditions of the existing occupiers of properties on Brodorion Drive and Enfield Close adjoining the new access roads.

Concerns have been raised in letters of objection regarding the impacts of the development on existing residents from noise disturbance and traffic pollution both during the construction phases and the operational phase. It is acknowledged that there will be some disturbance to existing residents during the construction phase from traffic and construction activities, which may continue for the duration of the build programme (estimated to be some 6 years). Any significant impacts, it is considered, can be mitigated through the effective management of construction traffic, for example, by minimising construction traffic during peak times and by utilising the Vicarage Road access as the preferred construction access for the development. Moreover, impacts associated with construction activities can be minimised by good building practices and effective site management. The provision of a Construction Pollution Management Plan will set out how the applicant intends to minimise pollution arising from the development, this will be secured by a condition, and should provide satisfactory mitigation for any significant impacts upon existing residents. The area surrounding the application site is not located within an air quality management area, whilst acknowledging the development will result in more traffic on the surrounding road network, it is not considered the traffic generation arising from the development, estimated within the applicant's transport assessment, would result in any significant traffic pollution within the local area.

Having regard to the above, on balance, it is considered that the proposed development would not result in any significant impacts on the residential amenities of the occupiers of existing dwellings in the locality. The proposed development would therefore be in accordance with UDP Policies EV1, EV40 and HC2.

Access and Highway Safety

Vehicular access to the development will be from existing access points off Enfield Close and Brodorion Drive together with a new primary access to the development off Maes Y Gwernen Road. Pedestrian/cycle connections are indicated to be provided onto Vicarage Road and Cwmrhydyceirw Road, thus improving the permeability of the site. In addition, a pedestrian access point and an emergency access point are indicated at the existing access from Railway Cottages.

The application has been accompanied by a transport assessment which assesses the capacity of junctions within the area. Traffic generation is predicted to be 48 arrivals and 127 departures in the am peak hour (175 in total) and 120 arrivals with 70 departures in the pm peak hour (190 in total). This equates to just over 3 vehicles per minute in both the AM peak and PM peak. The predictions are based on nationally held data for residential developments (TRICS) based on a mixture of houses and flats.

Computer modelling demonstrates that all of the tested junctions remained within capacity as such it was concluded that no additional infrastructure was required to mitigate the traffic generation arising from the development. Reference to personal injury data does not indicate any safety issues on any of the roads or junctions within the locality of the development as the majority were caused by driver error.

A significant number of objections have been received relating to the highway safety impacts of the development, particularly during the peak times for school pick-up and drop-off and that access to existing properties on Maes Y Gwernen Road would be adversely affected, should the development be approved.

It is noted that there is localised congestion in the area around the school at peak times and the provision of the additional traffic arising from the development heading down Maes Y Gwernen Road will likely exacerbate this localised congestion. In order to mitigate this the applicant had indicated the provision of a lay-by on the grass verge along Maes Y Gwernen Road and the provision of a staff parking area within the school grounds accessed off Heol Maes Eglwys. However, these schemes, which totalled some £98,000 have not been included within the development because of the viability issues at the site, with priority instead being given to the highway safety measures which include the provision of a zebra crossing and guard railing outside the school and a toucan crossing at Heol Maes Eglwys to link with the footbridge crossing the M4. These improvements, it is considered, would mitigate any significant highway safety impacts arising from the development and would improve pedestrian connections from the development. Given the proximity of the development to local schools and the pedestrian and cycle connections the development would provide, it's likely that a good number of trips to local schools and services would be made on foot or on bike, which would serve to reduce the traffic impacts of the development during the school run. Concerns have been raised that emergency vehicles would not be able to travel along Maes Y Gwernen Road during peak times, whilst this concern is noted, in emergencies drivers often respond accordingly to allow emergency vehicles to pass, it is therefore considered that this would not be a sustainable reason to refuse the planning application. In addition, the masterplan indicates that the Railway Cottage access would be used as an emergency access, this requirement can be agreed by a planning condition.

The submission indicates that the roads will be designed using Manual for Streets criteria although regard will need to be made for shared use footways and accessibility to allow

public transport to enter the site. Whilst no internal highway layout has been provided, save for that indicated on the masterplan, it will be a requirement for at least one of the footways to be of a suitable layout to allow for shared cycle/pedestrian use; this is usually a minimum of 3m width. This is a requirement as set out in the Active Travel Act. Parking for the development will need to be in accordance with adopted standards.

It is not clear whether the roads will be adopted or maintained by a management company, notwithstanding this, they will need to be designed to Highway Authority standards and specifications, this can be secured by a planning condition. The long term maintenance and management of the highway infrastructure can also be secured by a planning condition.

The Head of Highways and Transportation has requested a condition to requiring the submission of a travel plan in order to encourage sustainable modes of transportation. The provision of a Construction Traffic Management Plan has also been requested and this matter can be requested by an informative, rather than a condition, as the provision of this information and its approval is administered by the Highway Authority.

Having regard to the foregoing, the Head of Highways and Transportation has raised no objection to the application on highway safety grounds, having regard to this advice, the development is therefore considered to be acceptable in terms of highway safety and would be in accord with UDP Policies AS1, AS2, AS10 and EV3.

Landfill Impacts and Remediation

The construction of a residential development around and within a permitted landfill site raises a number of concerns regarding the appropriateness of this relationship in terms of health, safety and amenity.

A fundamental element of this proposal is to ensure that, should planning permission be granted, there is a mechanism in place to cease any further landfilling operations at the site. Without such a mechanism the proposals would potentially result in new dwellings being constructed within, and in close proximity to, an active landfill - such a relationship would not be acceptable in terms of the potential noise, odour and dust impacts to the occupiers of the residential development. Moreover, NRW has advised of the potential impacts of landfill gas generation, gas flaring and possible electrical generation activities, should sufficient gas be produced if landfilling is to continue at the site.

In order to address this issue, it will be a requirement that the applicant enters into a Section 106 planning obligation to cease any further landfilling operations at the site, save for those works required to cap the landfill and provide the area of open space as indicated on the masterplan. Upon the receipt of the planning permission the applicant then intends to apply to NRW for the definitive closure of the landfill. If accepted by NRW the site would then enter the 'aftercare' phase which spans the period between definitive closure and the ultimate surrender of the permit, which NRW has suggested would span many years, rather than months. Until the landfill is definitively closed, NRW would not permit additional development or unauthorised human access within the permitted landfill boundary. NRW has further commented that if definitive closure of the site is granted, access restrictions may be reduced subject to necessary risk assessments being undertaken, however, free access to all of the public open space could not be guaranteed with access to critical infrastructure being restricted such as ground water pumps and monitoring boreholes.

NRW has highlighted concerns regarding the potential conflict between the development of the site for housing and the regulatory requirements that run with the landfill permit and suggested placing restrictions on the phasing of the development to ensure that the development is limited to those areas outside the permit boundary until such time that the landfill is definitively closed. This requirement, which can be secured by a planning condition, is considered to be essential to ensure that any conflict with the requirements of the permit is avoided. This requirement would effectively limit the development site, prior to definitive closure, to the paddock within Parcel A (adjoining Brodorion Drive/Enfield Close), all of Parcel B and the majority of Parcel C.

The landfill is proposed to remain in its present location, and will not be disturbed save for the provision of a cap of low permeability material to inhibit rainfall infiltration into the underlying waste. Whilst the detailed design of the cap is subject to the approval of NRW, it is anticipated the design will involve reducing the existing soil coverage to a depth of 300mm, the placement of geomembrane and geocomposite drainage layer and the replacement of the excavated soil to a thickness of some 1.4m. This cap will enable the former landfill, together with the residual areas within the quarry basin, to be used as an area of public open space and for housing (Parcel D), once the landfill has been definitively closed.

Letters of objection have been received stating that the landfill should be remediated and the open space provided as part of the first phase of the development. Concerns have also been raised that the developer may go bankrupt and fail to provide the open space area. Clearly the timely provision of the open space and associated play area are an important consideration. The opening up of the quarry, once remediated, as an area of open space will be of significant benefit to the surrounding community by providing an expansive area of open space with access routes within and around the quarry basin. The development of this element of the scheme will, however, require an element of housing development to take place as an enabling development to fund the remediation and open space works. Furthermore, in line with NRW's comments, access to the open space will only be allowed once the site has been definitively closed and enters the aftercare phase, as such, it would be unreasonable and would prevent housing being built that would make a timely contribution to the housing supply, to insist on the open space being provided within the first phase of the development.

It is therefore recommended that a condition is included to the effect that no more than 120 dwellings shall be developed until the open space area has been provided and is available for use, save for any access restrictions required by NRW. Furthermore, in order to expedite the landfill closure process and facilitate the timely provision of the open space, it is recommended that a condition is imposed requiring that the application for the definitive closure of the landfill be submitted to NRW prior to the commencement of development at the site. These requirements should ensure that the open space and play area are provided in a timely manner, without compromising the overall viability of the site.

Landfill Gas

Even with no further landfilling operations at the site, the proximity of the insitu landfill to the proposed residential development must be assessed and, where necessary, mitigated in terms of landfill gas impacts. Landfill gas is the term used to describe any gas derived from landfilled waste and commonly relates to gas generated as a result of the biodegradation of the waste deposited in a landfill site. The main components of landfill gas are methane and carbon dioxide (typically 64% and 34% respectively). Typically the

remaining components comprise low concentrations of oxygen and nitrogen from air, water vapour and hydrogen together with trace gas components.

The application has been accompanied by an ES which references a Land Fill Gas Risk Assessment (LFGRA) undertaken in 2005; this information was reviewed and updated in 2010 following ground intrusive site investigations and meteorological data recorded at the site. The most recent LFGRA submitted to NRW was produced in 2014 and has been submitted with this application.

The risk assessment is based on source pathway and receptor methodology. The source term is the biodegradable waste deposited in the landfill which produces landfill gas. The pathways for gas migration comprise natural pathways through permeable rock strata and man-made pathways such as drains or ducts. Receptors include people living and working in proximity to the landfill area together with property and vegetation. A significant risk is posed to a receptor only when there is a significant source of gas generation with a pathway linking the source to the receptor.

The 2005 LFGRA shows that the predicted peak bulk landfill gas generation rate attributable to the former landfill area occurred in 1992 followed by a declining landfill gas generation rate thereafter. The modelling was based on an assumption that 125,000 tonnes of waste were deposited between 1985 and 1991 inclusive at a rate of 17,857 tonnes per year. Later site investigations have, however, shown the waste volume to be 105,860 tonnes. As such the LFGRA presents a conservative estimate of gas production. The ES reports that the gas data recorded during the site investigation are consistent with low volumes of landfill gas in the former landfill area. The highest gas flow rate recorded during site investigations was 7.1 litres/hour, which is reported to be low. Gas pressure is the primary motive force for the movement of gas laterally or through the landfill surface. The ES reports that as the former landfill is generating small quantities of gas, therefore there is a low potential for gas to accumulate in the waste under significant pressure. Currently landfill gas generated from the former landfill is vented passively through a series of gas venting wells. It is proposed that these will be maintained and or replaced if necessary, after the capping works are completed. This should ensure the potential for gas to accumulate under pressure in the waste is minimised.

The ES reports that as the gas generated is not accumulating under significant pressure, the conditions in the landfill site do not present a significant risk of gas migration beyond the boundaries of the former landfill area. The presence of a liner to the ground level around the boundary of the former landfill will impede lateral gas migration. Moreover, leachate will impede the movement of gas vertically downwards to the underlying bedrock. Finally ground water levels at the quarry are generally above the level of the base of the former landfill area as such the potential preferential gas migration pathways through sandstone will be through unsaturated fissures and fractures in the rock above the groundwater level.

Elevated levels of methane have been recorded in boreholes external to the waste. These higher levels, the ES reports, are unlikely to be as a result of gas migration from the landfill waste and are attributable to a different source, thought to be attributable to methane originating from coal deposits. However, in view of the low gas pressures the ES considers the risk posed to development at the locations of the boreholes in which high methane concentrations have been recorded may be low. Further monitoring and risk assessments will be undertaken to inform any requirements for gas control measures in these areas. Such measures can be secured via a planning condition.

In light of the above, the ES reports that the risk of gas migrating laterally from the former landfill area currently, or in the future after the area has been capped, towards buildings or structures around the quarry including the proposed development is negligible.

As development is proposed within Parcel D within close proximity to the landfill, it is recognised that it will be necessary to undertake further monitoring from new boreholes between the landfill area and the new development prior to the commencement of development to confirm the conclusions of the risk assessment and, if necessary, confirm gas control measures in the development in this area. The provision of this information and any associated mitigation measures can be secured by a planning condition.

In respect of the landfill gas information provided within the submission, NRW has confirmed that in the event of the permanent closure of the site and if the historic waste is left in situ (which is the applicant's intention as set out in the planning submission), the data provided suggests the current landfill gas generation is low, however, they have noted that until it can be demonstrated otherwise, gas protection measures in the new dwellings will need to be considered. As indicated above, this matter can be addressed by conditions.

Land Contamination

Based on the source, pathway and receptor principle described above the applicant has undertaken an assessment of the risks posed from waste, landfill gas and leachate to potential receptors i.e. people using the restored former landfill as an area of open space. Leachate is the liquid which collects at the base of the waste and contains soluble contaminants from the waste. It is produced by the infiltration of rainfall into the waste mass. Leachate is currently pumped into the DCWW sewer and under the current proposals will continue to do so.

As the landfill is proposed to be capped (as described above) including the provision of a drainage geocomposite layer, the ES reports that there is no pathway for the exposure of people using the site to contaminants in the waste or in the leachate present in the former landfill area. The ES concludes that as there will be no linkage between the source and the receptor, which will be the people using the open space, as such there will be no risk of exposure to contaminants in the waste. NRW recognise that capping the landfill will reduce the exposure pathway to historic wastes, but have highlighted key infrastructure and monitoring points would need to be protected and managed whilst the site is in the aftercare phase.

In the long term, in order to ensure the integrity of the cap is not compromised, which could potentially introduce a pathway between the source and receptor, it would need to be appropriately managed and maintained. The applicant intends for the management of the open space area to be undertaken by the Land Trust, an independent charitable trust that manages open spaces in England. Appropriate arrangements to ensure the long term management of this land can be secured through a Section 106 agreement.

Within the wider site the historic activities that have taken place including quarrying, concrete production and landfill operations may have left contamination within the ground. In order to ensure the risks posed by any residual contamination within the site are understood and mitigated, conditions are recommended for further investigative work to be undertaken and a scheme for remediation, should one be required.

Groundwater pumping

The ground water levels at the site are currently kept artificially low below the existing waste mass by a pumping regime which manages the ground water and dewatering of the quarry, which ensures the waste mass does not flood. NRW has highlighted that the potential environmental risk from leachate discharging to ground water beneath the historic waste deposit remains, should the suggested control mechanism of ground water pumping cease. NRW's letter of 10.12.14 also recalls an incident at the site in 1987 when a pump failed in heavy rain resulting in the water levels rising and coming into contact with the waste. This led to a large number of odour complaints from surrounding residents.

The maintenance of an effective groundwater pumping regime is therefore important in term of protecting the amenity of surrounding residents (existing and proposed) and in terms of preventing environmental pollution from leachate discharging to groundwater. The environmental permit has conditions that require groundwater pumping, however, NRW has highlighted that this cannot be relied upon in perpetuity to protect the development.

In order to provide sufficient assurance that satisfactory measures are in place to maintain an effective pumping regime, it will be necessary for the developer to enter into a S106 planning obligation for the long term management and maintenance of the ground water pumps. The developer has indicated that the existing pump would likely be replaced with a new submersible pump and a back-up pump operated by a float switch and linked by a telemetry system in order to raise the alarm if the pump and or the back-up pump fail to operate. They have further indicated that the pump can be replaced within a few days, should they fail. Ultimately whatever groundwater pumping arrangements are in place for the purposes of the environmental permit must be replicated, in perpetuity, once the permit has been surrendered. The provision of satisfactory pumping arrangements together with their future management and maintenance can be secured by a S106 planning obligation.

Odour

The provision of housing within and around the quarry basin does raise a concern that there could be an odour nuisance to the future occupiers of the development from the landfill, which is vented passively through 12 gas venting wells located in the former landfill area. The odour of landfill gas is imparted by some trace gas components which can be present in low concentrations. The odour is controlled by the rate of release to the atmosphere and the degree of dilution. Gas samples taken from the landfill show odorous trace gases are present including carbon disulphide, hydrogen sulphide, toluene and xylenes. The ES reports the concentrations of these gases are low, such that based on their assessment it is considered the potential for odour nuisance associated with landfill gas vented passively to air above the former landfill are is negligible. On the basis of this information and given that there have been no reported odour complaints from the site in recent years, it is considered, on the basis of this information, that the risks to the future occupiers of the development from an odour nuisance would be very low, as such the potential threat from an odour nuisance would not be a reason to withhold planning permission.

Summary

In summary, the development of the site within and around the landfill will present a number of challenges to its development. The landfill is actively gassing, however, based on the information provided and having regard to the advice of NRW the level of gassing

is low and subject to measures to afford protection to the future occupiers, it is considered that there would be very little residual risk to the occupiers of the development from landfill gas. An area of open space will be provided on the former landfill once capped and landscaped. The landfill gas will continue to be passively vented and in light of the information provided this will not present a health risk, safety risk or odour nuisance to the future occupiers of the development and those using the open space.

On the basis of the information provided within the submission and subject to standard conditions in relation to land contamination and the provision of a satisfactory scheme to address the long term requirement for ground water pumping, the Pollution Control division has raised no objection to this planning application. The development is therefore considered to accord with UDP Policy EV38.

Ecology and Trees

Several objections have been received in regards to the impact of the proposal on wildlife. The site forms part of the Cwmrhydyceirw to Birchgrove Railway SINC. The site supports a broad range of habitats including woodland, scrub, semi-improved neutral grassland, marshy grassland, standing water and running water.

The construction phase will result in the loss of the marshy grassland fields to the north of the quarry, however, the majority of the woodland/scrub on the quarry slopes would be retained. On this basis, the ES reports a significant adverse impact on the SINC was considered unlikely, although the development would result in an adverse effect without appropriate mitigation for the loss of habitat.

The ES reports that several habitats would be adversely affected by the proposals, these include: woodland areas based on the loss of pioneering scrubby woodland located at the western and eastern extents of the site; hedgerows and trees, including the defunct conifer hedge and a section of older hedge in the north of the site; standing water, due to the loss of the concrete pond associated with the quarry buildings and; standing water, based on the loss/re-direction of smaller tributary streams.

The ES also reports that several habitats would be significantly adversely affected by the development, these include: scrub, located within the northern extent of the site (within marshy grassland fields) and; grassland, in the northern part of the site and located within the basin.

In terms of fauna, a total of four bat species were recorded foraging and commuting on and over the site. The loss of foraging habitat (pioneering scrubby woodland and species poor hedgerows) would have an adverse effect but this would not be significant given the retention of the majority of woodland and scrub communities across site features known to be used by foraging communities. There is also a potential for an adverse impact through increased noise and lighting. NRW has noted that further survey work is required prior to the commencement of development in relation to one of the quarry buildings. In line with the advice of NRW and the Council's planning ecologist, this further survey work can be required by a planning condition. NRW has further advised that a specific Mitigation & Management Plan for Bats should be provided and this could form part of the wider Construction and Environmental Management Plan for the site. Again, these requirements can be secured by planning conditions.

In terms of birds, site clearance would remove existing foraging and nesting habitat, however, it is considered unlikely to result in a significant adverse impact due to the

availability of similar resources which will be retained within the site. An adverse impact is probable due to a combination of habitat loss and increased disturbance from construction activities.

Importantly, a nesting pair of Peregrine Falcon was identified on the northern face of the quarry. The highest ecological value of 'County' is assigned to breeding Peregrine Falcon. As the quarry face will be retained, together with screening vegetation, a significant adverse impact is unlikely, however, this could not be ruled out in the absence of appropriate mitigation measures. NRW has therefore advised that a specific strategy/mitigation plan for the Peregrines should be provided prior to the commencement of development. However, they have advised that locating any new housing, footpaths and public access areas in the vicinity of the nest should be avoided and existing screening between the nest site and human presence activity, should remain in situ and should be supplemented as necessary. A mitigation plan to address the residual matters relating to impacts on Peregrine falcon can be secured by a condition, in line with the advice of NRW.

Amphibians identified on the site include common toad, common frog and Palmate Newt, as such the site is considered to be of value to amphibians. The ES reports that the retention of the sump pond and terrestrial habitat to the south and east would mean that a significant adverse impact on amphibians was unlikely. Great Crested Newt surveys have been undertaken but did not identify the presence of this species as such they are not considered likely to be present on the site.

A good population of Common Lizard were identified within the site. Clearance works within the quarry basin and marginal grassland areas surrounding the quarry edge will affect the majority of the reptile habitat. In the absence of mitigation measures there would likely be a significant adverse impact on reptiles at the site. In line with the advice of NRW a mitigation plan to address the residual matters relating to impact on reptiles and amphibians can be secured by a planning condition. This mitigation should ensure the development would not have a significant adverse impact on reptiles.

In order to mitigate both the construction impacts of the development and the impacts associated with the use of the site for housing and open space, the ES contains a number of mitigation measures. These include, but are not limited to, the retention of woodland and hedgerows, where possible, the planting of native hedgerow and biodiversity rich planting for the open space, the retention of the sump pond with native wetland planting; clearance of vegetation outside of the bird nesting season, a clearance methodology with regard to reptile habitat and reptile capture and re-location scheme.

The Council's Planning Ecologist has raised no objection to the application subject to the submission of further information and detailed mitigation measures, which can be required by conditions.

In terms of trees, the site includes groups of trees around the perimeter of the fields to the north of the quarry and bordering the golf course along the western boundary. On the southern boundary there are mature trees again bordering the golf course and railway line. In the northernmost part of the site, at the rear of properties on Enfield Close, is a line of mature trees in an outgrown hedge (G13) which are subject to a tree preservation order (364) and a line of conifers (G10) which are also subject to a tree preservation order. Around the quarry basin and the face of the quarry there are several groups of mature trees, and along the eastern boundary are several separate groups of trees.

The masterplan generally indicates which trees are proposed to be retained within the development. The majority of trees along the southern and western boundaries would be retained together with those within and around the quarry basin, with the exception of G19a (C category) which is proposed to be removed to accommodate the dwellings within the quarry basin. Along the eastern boundary several tree groups are proposed to be removed (G4, G5, G7), these are lower quality C category trees, similarly there are several C category groups of trees (G14, G17 and G21) along the northern edge of the quarry which will be removed to facilitate the development and two B category groups (G20 and G8). The loss of these tree groups would not, it is considered, result in any significant landscape impacts. The retention of the trees within the quarry basin, together with those on the southern and western boundaries and the retention of the majority of the TPO group along the northern boundary adjacent of properties on Enfield Close, save those required to be removed to form the access road, would ensure that the local landscape character would not be significantly adversely affected by the loss of trees. Moreover, the loss the B group trees will need to be mitigate through replacement planting within the site. There is a line of TPO protected conifers which bisects parcel B, this group of trees presents a significant constraint to this part of the site given their height and orientation. Moreover, they are considered to be category C trees of poor condition with gaps within the group, as such the loss of this tree group is considered to be acceptable and would not have a significant landscape impact.

The tree officer has noted that the indicative layout includes dwellings in close proximity to retained trees, as such the detailed layout and design of the development will need to have regard to this constraint. In addition, any reserved matters applications will need to be accompanied by an arboricultural impact assessment in order to demonstrate that the detailed layout is acceptable in terms of its impacts on trees, this information can be secured by conditions.

In light of the above, the development would accord with UDP Policies EV2, EV28 and EV30.

Drainage and Water Supply

Concerns have been raised in letters of objection regarding the potential impact of the development on both surface water runoff and the capacity of the surrounding drainage system to cope with the additional foul flows from the development.

The application has been supported by a drainage statement which outlines the surface water drainage scheme for the site. It is proposed that all surface water drainage from developed areas will discharge at an attenuated rate to the Cwmrhydyceirw Stream along the southern boundary. The drainage statement confirms the surface water from the development will, as a minimum, be limited to existing greenfield runoff rates. Parts of the site will be drained to the sump lagoon before onward pumping to the stream.

The Council's drainage engineer has confirmed that the proposed drainage strategy demonstrates that an appropriately designed surface water drainage scheme can be achieved subject to the submission of further detailed design information, which can be required by a condition.

In terms of foul water drainage two options have been put forward by the developer, both of which would result in discharges to existing DCWW sewers within Chemical Road (option 1) or Heol Y Dyffan (Option 2). DCWW have raised no concerns regarding the capacity of foul sewers to receive the foul flows arising from the development.

In terms of water supply, DCWW had initially objected to the proposals on the grounds of water supply problems in the area. However, following the submission of a Hydraulic Modelling Assessment to DCWW, they have subsequently withdrawn their objection and requested standard drainage conditions to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

In light of the above the development would accord with UDP Policies EV33, EV34 and EV35.

Planning Obligations

UDP Policy HC17 indicates that in considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:

- i) improvements to infrastructure, services or community facilities,
- ii) mitigating measures made necessary by a development, and
- iii) other social, economic or environmental investment to address reasonable identified needs.

Provisions should be fairly and reasonably related in scale and kind to individual development. The adopted SPG on Planning Obligations states that where developers contends that the Section 106 requirements are too onerous and will potentially make a scheme unviable, they will be expected to submit a development viability appraisal, and that the Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

A viability review has been undertaken and submitted as part of the application. The report concluded that the sites Existing Use Value is substantially higher than the value that could be achieved from the redevelopment scheme (this is called the site's residual value or RV). The RV is calculated for a scheme which includes planning obligation requests from Education, Housing, Highways and Parks. The report identifies significant abnormal costs associated with the development of the site, the vast majority of these costs are associated with remediating and managing the landfill. In total the abnormal costs would amount to approximately £3,000,000. The appraisal demonstrates that if the development were to provide all the requested Section 106 contributions (set out below) it would not be commercially viable and would not proceed.

The SPG highlights that any reduction in the requirements for Section 106 contributions is only likely to be justified where there is a planning merit and/or public interest in developing the site. In this respect the site benefits from planning permission and an environmental permit for landfilling operations. This development provides an opportunity to not only secure the permanent cessation of the landfilling operations and the potential amenity, traffic and environmental issues associated with such uses, but also provides an opportunity for the quarry to be opened to the public to provide a large and impressive area of open space for the benefit of the wider community. In conclusion, therefore, it is considered that there is the potential for substantial benefits to the local community if this development is approved. Therefore, it was considered justified in this instance to entertain a reduction in the Section 106 contribution requests, in line with the advice of the SPG. The contribution requests are set out below:

Affordable Housing

The need for affordable housing is a material planning consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures and indicates that the Council will normally expect that 25 – 30% of all dwellings will be affordable housing. In this instance the Housing Department requested 30% affordable housing.

Recreation Provision

In accordance with Policy HC24, all new housing will be required to make provision for areas of open space either within the site or at an appropriate location where the level and nature of open space provision in the locality is inadequate to meet the demands of the future occupiers together with the needs of the existing population.

As part of the LDP process, the Council has prepared an Open Space Assessment to identify the existing situation in the County. Within the Morriston ward, there is a deficiency in open space provision in accordance with Fields in Trust guidelines. Morriston has an over provision of Outdoor Sport facilities (2.7ha) this makes up for the majority of the Wards Fields in Trust provision meaning a deficiency in Children's Playing Space and Equipped Playgrounds. Moreover, the assessment highlights that the Maes Y Gwernen area of Cwmrhydyceirw is almost entirely deficient in terms of access to open space/play provision. On this basis, and in accordance with the Council's Adopted 'Planning Obligations' SPG the Parks Department have requested the provision of a Local Equipped Area of Play (LEAP) for the site and a commuted sum of £75,000 for its on-going maintenance.

Education

The catchment schools for the area are Cwmrhydyceirw Primary, Morriston Comprehensive, YGG Tan Y Lan and YGG Bryn Tawe. In accordance with the SPG calculations, and based on the development of 300 dwellings, the proposal would generate some 93 primary school pupils and some 66 secondary school pupils. On the basis of capacity issues at the local primary schools the Education Department initially requested a contribution request of £964,596 plus inflation required for Cwmrhydyceirw Primary School with a % split shared with YGG Tan y Lan. However, following a review of this request, in light of the viability information provided, a revised contribution request of £750,000 has been received for a three classroom extension to Cwmrhydyceirw Primary.

Highways

As described above, several highway safety improvement schemes have been identified to improve highway and pedestrian safety in the area around Cwmrhydyceirw Primary. The total cost of these schemes is estimated to be £146,000.

Viability Appraisal

The viability appraisal accompanying the planning application demonstrates that the scheme would not be commercially viable if all the above requested contributions were required to be provided. The question therefore is whether, in the absence of the above contribution requests, the development would be acceptable in planning terms. In this respect the Community Infrastructure Levy Regulations (2010), requires that contributions must be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonably related in scale and kind to the development.

In the planning balance, it is necessary to weigh up the positive aspects of bringing the development forward in terms of the permanent cessation of the landfill use, the provision of a large open space area and equipped play space within a community which is deficient in such provision. Moreover, it is acknowledged that the Council's housing land supply has dropped below the required 5 years, therefore, a development of this scale would make a positive and material contribution to addressing the current land supply deficiency in Swansea. Technical Advice Note 1: TAN1 (Joint Housing Land Availability Studies) advises that, where a housing land supply shortage exists, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies. In this respect, the development is considered to be in broad compliance with the requirement of UDP Policies, therefore, significant weight should be afforded in favour of the development for this reason.

Aside from the broader planning balance arguments, ultimately a development must be able, where necessary, to satisfactorily mitigate any significant impacts which may arise as a result of the development, whether these relate to highway safety impacts or impacts on local services. The Council must therefore consider whether the contributions offered by the applicant would satisfactorily mitigate the developments impact on the local community.

In light of the viability assessment, the developer initially offered to provide some 5% affordable housing on the site together with a contribution of some £244,000 for highway safety improvements and measures to improve parking and drop off provision for Cwmrhydyceirw Primary. Following further negotiations, and a re-appraisal of the viability assessment, the developer has agreed to provide the following:

- Education contribution of £750,000 to provide 3 new classrooms for Cwmrhydyceirw Primary.
- Highways contribution of £146,000 for highway safety improvements as detailed above.
- The provision of a LEAP and its future maintenance through a management company.

The above offered contributions would accord with the requirements of the various departments with the exception of the request for the provision of 30% affordable housing within the site. The provision of affordable housing is a planning policy requirement under Policy HC3, where this is not ruled out by exceptional development costs. In this case the developer has provided robust viability information which rules out the provision of a policy compliant element of affordable housing. It is considered the contributions offered would mitigate the potential significant impacts of the development in terms of highway safety, capacity issues at Cwmrhydyceirw Primary and the need to provide outdoor play provision. In view of the positive impacts of the development described above it is therefore considered, on balance, that even in the absence of any affordable housing

provision on site, the development would constitute a sustainable development that would be in accordance with development plan policies.

Safety Risk Posed by the Quarry Face

The planning inspector's appeal decision in 1985 justifies his decision to approve the broadening of the types of materials which could be landfilled at the site on the basis that the quarry face was a potential danger to the general public, and particularly to children in the locality. He considered it would be in the best interests of the local inhabitants for the quarry to be filled as quickly as possible to remove the danger to life and limb.

Whilst the inspector's comments are noted, the context in which this development is being considered is far different to that considered by the inspector. At the time of the inspectors decision the site was a permitted landfill with no immediate prospect of an alternative end use for the site, as such it is was reasonable for the inspector to apply significant weight to potential safety issues at the site as justification for permitting the development. The context now is that whilst a permit exists for landfilling, no landfilling has taken place since the early 1990's and it is now proposed to develop the land within and around the basin for housing and open space. This planning application represents an opportunity to utilise this expansive and impressive landform, which is only likely to have been viewed by a limited numbers of people in the locality, into a unique openspace area for the benefit of the wider community. In light of the opportunity presented by this planning application, the safety risks must be considered in the balancing exercise with the wider planning benefits associated with the development in terms of the cessation of the landfilling operations and providing a sustainable housing development which positively addresses the land supply deficit and addresses the lack of open space provision within in the Maes Y Gwernen area. Moreover, it is considered that any safety risks posed by the quarry face can be reasonably addressed through the provision of adequate safety measures. This should ensure that any residual risk from accidents is minimised to an acceptable level of risk. Clearly there is also an element of personal responsibility involved and provided adequate safety measures are in place, for example, to protect young children from going near the quarry face, it is considered that the quarry basin would not represent an unacceptable risk to the public. It is therefore recommended that a condition is placed on any planning permission to require the submission of a health and safety risk assessment and the measures within the assessment to be incorporated within the detailed design of the scheme.

Other Issues

Concerns have been raised that doctor's surgeries in the area may be over capacity and the development would make the situation worse. There are several doctors' surgeries within Morriston, therefore, it is not considered a development of this scale would result in any significant impacts upon the capacity of existing surgeries.

Concerns have been raised that there is no demand for additional housing within this area. In response to this concern, there is a recognised need for more housing across the city. The Council is currently not able to demonstrate a five year housing land supply. This development, if approved, would make a positive and material impact upon the current housing land supply deficit. Moreover, the fact that the applicant has invested considerable resources to apply for planning permission for housing on this site suggested there may be considerable demand for new housing in this area.

Concerns have been raised that the chemicals used for the eradication of Japanese knotweed at the site may harm children and local wildlife. No details of a scheme to treat the Japanese knotweed at the site have been submitted. Notwithstanding this, the chemical treatment of Japanese knotweed is a well-established and effective method of eradication and if treated by a specialist contractor is unlikely to result in any significant health or environmental impacts. Details of a satisfactory method for its eradication at the site will be secured by a condition.

Concerns have also been raised in respect of the availability of mortgages on land that has Japanese knotweed. Whilst this is not considered to be a planning matter, long term guarantees are normally provided by eradication contractors which may serve to demonstrate to mortgage companies that this invasive plant has been treated with due diligence.

Concerns have been raised that the open space and additional public access lanes to the development may attract anti-social behaviour. The South Wales police design out crime officer has also commented that the development should not incorporate 'ratruns'. In response to this concern, clearly a balance must be struck between making a development safe and allowing permeability between the new development and its surroundings, which is desirable to encourage alternative modes of transportation and to provide a physical and social connection to the existing community. The layout and design of the development will need to actively address any potential antisocial behaviour issues by ensuring natural surveillance of any new connections with existing pathways. This matter can be dealt with at the reserved matters stage.

Concerns have been raised that the development would destroy the community spirit in the area. It is not considered there are any material reasons why the proposed development would impact on the community spirit which no doubt exists within the area. Indeed the development has the potential to improve community links through the provision of a large open space area within the development site.

Concerns have been raised that there may be injuries to the occupiers of the development from golf balls from the adjacent golf club. On the boundary with the golf course there are mature trees which should serve to screen the dwellings from the golf course. The retention of these trees, together with a suitable boundary treatment should serve reduce the risks to the future occupiers of the development from golf ball strikes.

Concerns have been raised regarding whether a bus service would be provided within the development. At present the estate to the north of the site is served by a bus frequency of 2 hours whereas an hourly service serves Cwmrhydyceirw Road/Chemical Road. There may be scope to service the site using the existing bus provision, however, this would be at the discretion of the bus service operator. Notwithstanding this, access to the existing bus services in the area could be achieved by foot from the site.

Concerns have been raised that planning permission has previously been refused for dwellings at the rear of No. 53 Maes Y Gwernen Road. These applications are materially different to this current application, which has been considered on its merits having regard to development plan policies and all other material considerations. An assessment of the impact of the development on the occupiers either side of the proposed access on Maes Y Gwernen Road is described above. It is concluded, on balance, that the development would not result in any significant residential amenity impacts.

Concerns have been raised regarding the stability of the land adjacent to the new access at No. 57 Maes Y Gwernen Road. The land levels at No. 57 adjacent to the application site appear to be similar as such it is not considered that any significant retaining works would be required to facilitate the new access to the development.

Concerns have been raised regarding what controls will be in place to prevent the developer from leaving the landfill and/or housing incomplete and possibly in a dangerous condition. Any building site left in a dangerous condition may be subject to enforcement under health and safety legislation through the Health and Safety Executive. It would be unreasonable in planning terms to include a condition that the development must be completed within a specified timeframe, however, the phasing of the development will be agreed by a planning condition with trigger points for the provision of the open space and S106 contributions. The management of the landfill is subject to an environmental permit which will stay in place for enforcement purposes until the permit is surrendered, at which point the site will have been remediated in accordance with the requirements of NRW and the terms of any planning permission granted. In the long term, the open space, which includes the landfill, is intended to be managed by a charitable trust (Land Trust).

Concerns have been raised that the highway safety improvements should be undertaken prior to the commencement of development. This would be unreasonable in planning terms. The Head of Highways and Transportation has agreed phased payments for the highways improvement as set out within the recommendation. This will ensure an appropriate balance is struck in terms of the viability of the development and the requirements to provide highway safety improvements.

Concerns have been raised that the proposed development including the road layout and barriers will have an impact on customer parking for the corner shop, will impact on access to the hairdresser and will prevent daily deliveries of stock to the business. In response to this concern, there is considered to be ample on street parking provision to the front of the shop and within the pull-in at the roundabout.

Network Rail has issued a holding objection to the planning application on the basis that they require: drainage plans to ensure the Network Rail culvert isn't compromised; and details of the construction method in view of the proximity of housing to the railway tunnel. In response to these observations, the drainage options for the site have not yet been fully developed and may not include a foul connection via the railway bridge. The applicant has been made aware of Network Rail's observations in order that the site drainage scheme can be drawn up having regard to these comments. If necessary, Network Rail can be consulted on the final drainage scheme which will be required by a condition. In terms of the method of construction in proximity to the railway tunnel, details of the method of construction can be approved by a planning condition, in consultation with Network Rail, as necessary. This is considered to be a technical detail and is not a valid reason to withhold planning permission.

Conclusion

The proposed development will provide approximately 300 dwellings sited within and around the quarry basin. The illustrative masterplan demonstrates the design principles that will guide subsequent reserved matters applications; the design framework is considered to be acceptable and would accord with UDP design policies and SPG. On balance, it is considered the development would not result in any significant residential amenity impacts, subject to satisfactory mitigation measures. The development of this former landfill site for housing presents a number of challenges for the developer,

however, based on the information provided it is considered the site can be developed for housing and open space without raising any significant environmental health or safety issues, subject to the conditions and Section 106 planning obligations required by this permission and subject to the successful closure of the landfill under the environmental permitting regulations administered by NRW.

The site is within a sustainable location close to existing services. It will result in additional traffic on the highway network, however, it is considered this traffic can be accommodated on the network without resulting in any significant highway safety impacts.

The developer has submitted viability information which demonstrates that the site cannot bear the full contribution requests from various departments described above. In order to make the development acceptable in planning terms and to mitigate the impacts of the development on infrastructure and services, S106 financial contributions have been negotiated and will be secured for highway safety improvements and extensions to Cwmrhydyceirw Primary. There is no provision for affordable housing.

Notwithstanding this, development has the potential to result in benefits to the local community in terms of the permanent cessation of the landfilling operations and the development of the quarry basin as an area of open space and play area, which is currently lacking in this part of Morriston. Moreover, the provision of some 300 dwellings would make a positive and material contribution to the housing land availability within Swansea.

Subject to the provision of further information, which can be secured by planning conditions, it is considered the proposal is capable of being developed without having significant impacts on drainage, ecology and trees.

In light of the above, the development is considered to accord with UDP Policies and approval is therefore recommended.

RECOMMENDATION:

That the application be APPROVED, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of:

Education – a payment of £750,000 for the provision of three new classrooms at Cwmrhydyceirw Primary School. The payment to be made according to the following schedule: £247,500 before occupation of the 120th dwelling and a payment of £502,500 before occupation of the 150th dwelling.

Highways – a payment of £146,000 for highway safety improvements within the vicinity of the site comprising a toucan crossing and zebra crossing, guard railing, road markings and signage. The payment to be made according to the following schedule: £48666 to be paid before occupation of the 120th home, £48666 to be paid before occupation of the 195th home and £48668 to be paid before occupation of the 270th dwelling.

Landfill operations – no further landfilling operations pursuant to planning permissions: 81/0486/03, 84/0505/05 and 2015/2544 shall take place save for any works to remediate and definitively close the landfill site required by this planning permission or any works detailed within any Environmental Permit or other

direction issued by NRW in order for the landfill to be definitively closed and to enter the aftercare phase.

The provision, management and future maintenance in perpetuity of ground water and surface water pumps at the site.

The provision, management and future maintenance in perpetuity of the landfill cap, LEAP, open space and woodland areas.

Beyond Bricks and Mortar – the developer shall provide a commitment under the Council's Beyond Bricks and Mortar scheme to bring added social value to the development through training and supply side activities during the development of the site.

A management and monitoring fee as set out within the Council's SPG of 2% of the value of the obligations in the Section 106 Agreement - £17,920.

1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

4 The development shall be carried out in accordance with the following approved plans and documents: PA01 - Site Boundary, W131130/A/10 Proposed Site Access Locations, W131130/A/11 - Proposed Site Access Brodorion Drive and W131130/A/12 - Proposed Site Access Enfield Close, received 10th July 2014.

Reason: To define the extent of the permission granted.

5 The reserved matters submitted in conjunction with condition 1 above shall be submitted substantially in accordance with the masterplan document entitled "Illustrative Masterplan" (Drawing No: 100MP Rev B) and the Design and Access Statement, received on 1st April 2016.

Reason: To ensure the development proceeds in accordance with the design principles agreed at outline stage.

6 A programme of phasing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of works on the site. The development shall be completed and brought into beneficial use in accordance with the details approved under Condition 1, or required by the conditions of the permission and the approved phasing programme.

Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

- 7 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of existing and proposed levels for the development. The development shall be carried out in accordance with the approved details.

Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land having regard to visual impact, residential amenity impact, drainage and gradient of access.

- 8 Prior to the commencement of any development hereby approved a scheme to investigate and monitor the site for the presence of gases (see informative for description of 'Gases') being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the local planning authority.

The scheme shall be implemented in accordance with the approved scheme and in the event that gases are being generated the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the site.

Reason: In the interest of conserving public health, local amenity and to protect the environment.

- 9 Prior to the commencement of any development hereby approved, a strategic site wide foul, surface and land drainage strategy based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be based upon the SuDs hierarchy, as espoused by the CIRA publication 'The SuDs Manual, C697'. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all strategic SuDs features and shall include ownership,

long-term adoption, management and maintenance scheme(s) and monitoring arrangements/ responsibilities, including detailed calculations to demonstrate the capacity of the measures to adequately manage surface water within the site without the risk of flooding to land or buildings. Details of phasing during drainage operations and construction shall also be included. The approved drainage works shall be carried out in their entirety , fully in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory and sustainable means of drainage, to prevent the increased risk of flooding, in the interests of protecting the environment and ensure future maintenance of the drainage infrastructure.

- 10 The highways and footpaths located within the development shall be laid out to an adoptable standard, including the provision of street lighting, in accordance with full engineering details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted details shall include details of the phasing of the highways and footpath construction.

Reason: In the interest of highway safety.

- 11 Any reserved matters application shall include a detailed foul, surface and land water drainage strategy pursuant to the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic site wide surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.

Reason: To ensure that a satisfactory and sustainable means of drainage is available 'upfront' to serve development individual phases, to prevent the increased risk of flooding to third parties and to protect the environment.

- 12 Prior to the commencement of development an Environmental Management Plan (EMP) detailing site wide strategies for ecological mitigation, compensation and enhancement as summarised in Chapters 7 and 9 of the Environmental Statement have been submitted to and approved in writing by the local planning authority. These measures shall cover both construction and operational phases of the development. In addition to site wide mitigation measures the EMP shall include specific Mitigation and Management Plans for Bats, Peregrine Falcon, Amphibians and Reptiles. The development shall be implemented in accordance with the approved details and timescales set out within the approved EMP.

Reason: To ensure that the ecological impacts of the development are appropriately mitigated.

- 13 Prior to the demolition of the quarry building identified within Target Note 41 of Chapter 7 of the Environmental Statement, the building shall be surveyed for bats. The details of the survey and its findings together with any bat mitigation measures shall be submitted to and approved in writing by the local planning authority prior to its demolition. Any mitigation measures shall be carried out in accordance with the approved details and timescales.
- Reason: To ensure there is satisfactory mitigation prior to its demolition, should this building be used by bats.
- 14 Prior to the commencement of development an application shall be submitted to Natural Resources Wales for the definitive closure of the landfill site. Written confirmation of the same from Natural Resources Wales shall be provided to the local planning authority by way of correspondence prior to the commencement of development. The application for definitive closure must not be withdrawn without first notifying the local planning authority.
- Reason: In order to ensure that the cessation of the landfill use and its remediation are undertaken in a timely manner.
- 15 No development approved by this permission shall be commenced until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 16 No development approved by this permission shall be commenced until a Construction Pollution Management Plan (CPMP) detailing all necessary pollution prevention measures during the construction phase of the development is submitted to and approved in writing by the Local Planning Authority (see informatives for details of its contents). Development shall be carried out in accordance with the approved CPMP.
- Reason: In order to prevent pollution of the environment, protect the residential amenities of the area and to secure the satisfactory development of the site.
- 17 No development for the construction of any dwelling hereby approved shall take place within the Environmental Permit boundary as indicated on Plan No. EDE/CW/06-14/17856 (Figure 8.2 of the Environmental Statement) until such time that written confirmation has been provided to the local planning authority, by way of correspondence from Natural Resources Wales, that the landfill site has been definitively closed and has entered the aftercare phase.
- Reason: To ensure that there is no conflict between the development of the site for housing and the requirements imposed by the landfill environmental permit.
- 18 No development hereby approved shall commence until a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the details and timescales specified within the approved scheme.
- Reason: In the interests of the ecology and amenity of the area.

No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. The tree protection scheme and method statement will address all the impacts raised in the arboricultural impact assessment. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

(b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.

(c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;

(d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

(e) Details of any levels changes within or adjacent to protection zones;

(f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

(g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;

(h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;

(i) Provision for the prevention of soil compaction within planting areas;

(j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;

(k) Provision for briefing construction personnel on compliance with the plan;

(l) Provision for signage of protection zones and precautionary areas;

(m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

(n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

20 Details of the reserved matters set out in condition 1 shall be accompanied by an arboricultural impact assessment.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity in accordance with Policy EV30.

21 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved detailed plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at a similar location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and accords to Policy EV30.

22 Prior to the commencement of development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development, shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety and to ensure that the highways within the development are provided at an appropriate time and maintained thereafter.

23 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).

24 No development shall commence until an assessment of the nature and extent of contamination affecting the application site area, save for those areas which can be scoped out with the prior agreement of the local planning authority, has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person *in accordance with BS10175 (2011) Investigation of Potentially

Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to: human health, groundwater and surface waters, adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems, archaeological sites and ancient monuments; and any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be undertaken in accordance with the approved details and conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

25 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

Reason: In the interest of conserving public health, local amenity and to protect the environment.

26 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the

Chemical Testing of Imported Materials for Various End Uses'. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

Reason: In the interest of conserving public health, local amenity and to protect the environment.

- 27 Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'.

Reason: In the interest of conserving public health, local amenity and to protect the environment.

- 28 Prior to public access being provided to the areas of open space within the quarry basin, a scheme to restrict public access to essential infrastructure comprising gas monitoring equipment, gas venting equipment and lagoon pumping equipment, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out and thereafter maintained in accordance with the approved details and timescales.

Reason: In order to ensure the timely provision of the open space for the benefit of the residents of the development and the surrounding community.

- 29 Prior to public access being provided to the areas of open space within the quarry basin, a scheme to restrict public access to essential infrastructure comprising gas monitoring equipment, gas venting equipment and lagoon pumping equipment, shall be approved by the local planning authority. The scheme shall be carried out and thereafter maintained in accordance with the approved details and timescales.

Reason: To ensure satisfactory long term protection for essential equipment at the site in association with the landfill legacy.

- 30 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To promote sustainable transport modes and reduce the reliance on private motor vehicles.

- 31 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives

written consent to any variation.

Reason: To safeguard landscape and amenity interests.

- 32 Each dwelling shall be provided with on-site parking in accordance with adopted parking standards which shall be laid out prior to the first beneficial use of the dwelling which it serves. The approved car parking shall be retained as such thereafter.

Reason: To ensure adequate parking provision is provided for future residents of the development.

- 33 The reserved matters pursuant to condition 1 shall include details for the provision of an emergency vehicular access as indicated on Key 8 of the illustrative masterplan. The emergency access shall be provided in accordance with the approved details prior to the occupation of any dwelling within Parcels C or D as indicated on page 25 of the design and access statement and shall thereafter be maintained as approved.

Reason: In order to provide an emergency access to the development.

- 34 Prior to the occupation of any dwelling hereby approved, a health and safety risk assessment which assesses the risks posed by the quarry face to residents and visitors to the application site, together with mitigation measures, shall be submitted to and approved in writing by the local planning authority. The mitigation measures shall be implemented in accordance with the approved details and timescales for their provision and shall thereafter be retained and maintained as approved.

Reason: In order to reasonably mitigate the health and safety risks posed by the quarry face to members of the public.

- 35 The reserved matters details pursuant to condition 1 shall include details of the construction method for the dwellings within Parcels A, C and D sited within 30 metres of the railway tunnel to the south. The development shall be carried out in accordance with the approved construction method.

Reason: To ensure the construction of dwellings does not compromise the structural integrity of the railway tunnel.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV28, EV30, EV33, EV34, EV35, EV36, EV38, EV39, EV40, HC2, HC3, HC17, HC24, AS1, AS2, AS4, AS6 and AS10.

- 2 **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
 - Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 The Construction Pollution Management Plan (CPMP) shall include the following information:
 - a) Construction programme and timetable;
 - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
 - c) Traffic scheme (access and egress) in respect of all construction related vehicles including the loading and unloading of plant and materials;
 - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - e) Proposed working hours;
 - f) Principal Contractor details, which will include a nominated contact for complaints;
 - g) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
 - h) Details of on-site dust mitigation measures having regard to BPM;
 - i) Details of on-site noise mitigation measures having regard to BPM;
 - j) Details of waste management arrangements (including any crushing/ screening operations);
 - k) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
 - l) How each of these watercourses and pathways will be protected from site run off

during construction;

m) How the water quality of the watercourses will be monitored and recorded.

n) How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.

o) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

- 6 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 (Construction Industry Research and Information Association) and/or BS8485 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.
- 7 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Highways Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Highways Authority.
- 8 Construction Noise. The following restrictions should be applied to all works of demolition and construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08:00 and 18:00 hours on Mondays to Fridays and between the hours of 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 9 Smoke/ burning of materials. No burning of any materials to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 10 Dust control. During construction work the developer shall operate best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 11 The applicant is advised to consider the comments of the Police Design Prevention Officer in the preparation of the Reserved Matters scheme where appropriate.
- 12 Dwr Cymru/ Welsh Water have advised that if a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private

Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

13 SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The developer is advised to contact us at the above address or on telephone 0800 9172652 prior to the commencement of any site work.